

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JUNE 16, 2006

(Published June 24, 2006, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
June 16, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Samuels moved to amend the agenda to add a motion to introduce the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, for first reading and referral to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

Lilligren's motion, as amended, was adopted upon a voice vote 6/16/06.

Absent – Schiff.

Lilligren moved acceptance of the minutes of the regular meeting held May 26, 2006. Seconded.

Adopted upon a voice vote 6/16/06.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 6/16/06.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271244)

Capital Acquisition Revolving Fund update.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271245)

Land Sale (1120-25th Ave N).

CPED Prevailing Wage Policy & Registered Apprenticeship Policy Change for Single Family Development.

West Broadway Safety Center (1011 W Broadway): Request relating to lease agreement.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271246)

Land Sales/Lot Divisions:

1910-24th Ave N;

2134 James Ave N, with transfer of land from Mpls Community Development Agency to the City of Mpls.

Hi-Lake LLC: Easement acquisition terms for land around Lake Street/Midtown LRT station.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271247)

Homeownership & Century Homes Programs: Approval of subsidies to properties; Approval of Senior Regeneration Program; Appropriation increase.

New French Bakery (828 Kasota Ave): Preliminary approval to issue bonds for second bakery plant operation.

Minnesota Shubert Center: Approval of terms of Grant Agreement with MN Department of Employment & Economic Development; Design Sub-Agreement w/Artspace Projects, Inc; Amendment to Contract for Private Redevelopment & Option Agreement w/Artspace Projects, Inc; NRP Grant Agreement.

Parcel D West Redevelopment Contract: Amendment to Amended & Restated Redevelopment Contract between the City & Brighton Nine/Portland LLC for portions of Parcel D West; appropriation increase.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (271248)

NRP Director's & Officer's Insurance for Neighborhoods: Approval for use of 2006 Administrative Budget for liability insurance.

HEALTH AND HUMAN SERVICES:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271249)

Youth Program of the Minneapolis Employment & Training Program: Presentation.

REGULATORY SERVICES (271250)

Groundworks Minneapolis: Recognition of Americorps volunteers that have assisted City agencies.

HEALTH AND HUMAN SERVICES (See Rep):

CIVIL RIGHTS (271251)

Civil Rights: Ordinances amending the Code of ordinances — Title 7, Chapter 139 relating to Civil Rights: In General, conforming with State law, revising language in contract compliance provisions, and modifying language regarding disabilities and affectional preference; Title 7, Chapter 141 relating to Civil Rights: Administration and Enforcement, relating to commission membership attendance requirements, disparate impact complaint procedure, and amending "affectional preference" to "sexual orientation", and subpoena power of the Director of Civil Rights; Title 2, Chapter 15 relating to Administration: Ethics in Government, amending "affectional preference" to "sexual orientation"; and Title 9, Chapter 172 relating to Fire and Police Protection: Civilian Review Authority, amending "affectional preference" to "sexual orientation"; with attachments.

HEALTH AND FAMILY SUPPORT SERVICES (271252)

Minneapolis Advisory Committee on People with Disabilities: Approve Mayoral appointment of Jason Jenkins, Ward 13.

Public Health Advisory Committee: Approve City Council appointments of Paul Zerby; Rachel Mahon Bosman; Nicole McNamara; Scott Morris; Karen Pratt; Patrick Donaway; and Debra Riley.

PUBLIC WORKS AND ENGINEERING (271253)

Green Building Standards: Adopt Leadership in Energy and Environmental Design (LEED) Standards; and Request that recommendation be reviewed by CEAC, ECT and City Staff, with report back to Committee.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (271254)

Public Health Preparedness and Response to Bioterrorism: Amend Master Grant Agreement with Minnesota Department of Health to add \$50,920 for participating in planning and implementation of pandemic influenza activities; and approve appropriation.

Research Project for Pregnant Women: Authorize submit grant application to United States Department of Health and Human Services seeking up to \$1,200,000 to support a research project to validate an automated, web-based psychosocial screening instrument for pregnant women.

Health Care Coverage Assistance Services: Issue Request for Proposals for services to be provided to Minneapolis Public Schools for up to two school years; Authorize staff to evaluate proposals received, select the successful proposal, and without further Council approval, execute a contract with the selected vendor, only if one response to the RFP is received.

INSPECTIONS DEPARTMENT (271255)

Lead Safe Housing: Execute agreement with Minnesota Health Department to accept an amended amount of \$8,600 for temporary removal and relocation of affected children and families to lead-safe properties and other costs associated with mandated lead hazard reduction.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (271256)

2006 Legislative Session Summary Draft.

League of Minnesota Cities Policy Committee membership/schedule.

Federal Update.

INTERGOVERNMENTAL RELATIONS (See Rep):

FINANCE DEPARTMENT (271257)

Local Approval Requirements: Mpls Police Relief Association re re-computation of disabled benefits; board member compensation.

INTERGOVERNMENTAL RELATIONS (271258)

Local Approval Requirements:

Omnibus Liquor Legislation re allowing issuance of licenses for Minnesota Book & Literary Arts Building, Inc & for a restaurant at 5411 Penn Ave S;

Homeless Assistance Tax Increment District.

PUBLIC SAFETY AND REGULATORY SERVICES:

LICENSES AND CONSUMER SERVICES (271259)

Mexico & Mexico Coffee Shop and Deli (1831 Central Av NE): Request to consider adverse license action with respect to Coffee Shop, Deli and Sidewalk Café Licenses for failure to pay administrative citations.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (271260)

Boarding of Vacant/Nuisance Properties: Ordinance amending Title 12, Chapter 249 relating to Housing: Vacant Dwelling or Building, Nuisance Condition, specifying that the boarding and securing of qualifying buildings pursuant to Chapter 249 be inclusive of all openings to a building in addition to the first story and ground floor openings.

Rental Dwelling Licenses at 1162 14th Av SE; 1038 19th Av SE; and 1049 24th Av SE: Concur with Rental Licensing Board of Appeals to revoke licenses held by Mei Jen Chen; and Deem Ms. Chen ineligible to hold or have an interest in a rental dwelling license issued by City until March 4, 2011.

INSPECTIONS DEPARTMENT (271261)

Chapter 249 Property at 2509 Girard Av N: Authorize demolition.

INSPECTIONS DEPARTMENT (271262)

Chapter 249 Property at 428 31st Av N: Authorize demolition.

LICENSES AND CONSUMER SERVICES (271263)

Central Avenue Liquors (2538 Central Av): Grant Off-Sale Liquor License, subject to conditions.

Hooters (600 Hennepin Av): Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

More Valu Foods (2600 Cedar Av): Grant Grocery, Meat Market, Food Manufacturer and Tobacco Dealer Licenses, subject to conditions.

Kuick Mart (4653 Chicago Av): Deny application for Grocery and Tobacco Dealer Licenses.

LICENSES AND CONSUMER SERVICES (271264)

Licenses: Applications.

PURCHASING (271265)

Gunfire Detection and Location System: OP #6629, accept only bid of ShotSpotter Inc to provide a complete gun fire detection and location turnkey system.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

ATTORNEY (271266)

Criminal Justice Coordinating Committee: Execute amendment to agreement with Hennepin County to extend term of agreement to January 31, 2010.

FINANCE DEPARTMENT (271267)

Donation in Response to LGA Cuts: Accept anonymous donation of \$200 to be allocated as follows: \$75 to Police Department; \$75 to Fire Department; and \$50 to Public Works.

FIRE DEPARTMENT (271268)

2003 Homeland Security & Exercise Grant: Adjust appropriations for Fire Department and Public Works to appropriately pay for the remaining grant expenditures.

POLICE DEPARTMENT (271269)

Auto Theft Prevention Bait Vehicle Program: Accept 1999 Honda Civic from State Farm Mutual Auto INSCO to enhance bait vehicle program.

Safe City: Execute agreement with Minnesota Department of Public Safety to receive \$1,533,000 for increased patrol and law enforcement in downtown; and execute sub-recipient agreements with State, Regional, County and Local Law Enforcement Agencies to assist with the enforcement; and approve appropriation.

Pre-Service Law Enforcement Training Course: Issue Request for Proposals for Police Department to conduct a training course which meets state licensing standards.

POLICE DEPARTMENT (271270)

Bomb Disposal Services: Execute amendment to Joint Powers Agreement with Minnesota Department of Public Safety to provide bomb disposal services to other jurisdictions within the State as needed, and to be reimbursed for services at a rate of \$175 per hour; and approve appropriation.

Child Development Policing Program: Accept \$250,000 and execute grant agreement with Minnesota Department of Public Safety to support children witnessing violence in their environment; and approve appropriation.

2005 Buffer Zone Protection Program: Amend grant agreement to extend grant period until the full awarded funds are expended.

Central Weed and Seed Program: Amend contract with Pillsbury United Communities to decrease grant award funding for overtime or other police services; and approve appropriation decrease.

SafeZone Collaborative: Accept donation of \$60,000 from US Bancorp for use by SafeZone Collaborative—Downtown 2006 Administrative Budget.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (271271)

Sale of Public Land: Set public hearing for June 20, 2006 to consider sale of 2850 20th Av S.

Status of Vacant Public Works Positions: Receive and file report.

XCELENERGY/NSP (271272)

Utility Pole: Install one (1) 45' pole in the alley behind 2727 Central Av NE, SR #499515.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271273)

Sale of Public Land: Direct execution of all necessary documents to complete the sale of 1306 Central Av NE (Edison Hockey Arena) to Minneapolis Park and Recreation Board for \$710,000.

Fire Station No. 14: Authorize increase in contract with Rochon Corporation in the amount of \$90,964 for construction contingencies.

Lyndale Av S Variance Request: Approve resolution supporting Hennepin County's variance request to the Minnesota Department of State Aid for a parking lane width of 9 feet on Lyndale Av S from W 38th St to W 50th St.

Lynnhurst St Renovation Project: a) Approve locations and streets to be improved; b) receive cost estimate of \$2,386,250 for project; c) direct City Engineer to prepare proposed assessments against the benefited properties; and d) set a public hearing for July 11, 2006.

Central Corridor Project: Approve summary and final comments regarding draft Environmental Impact Statement (EIS) and authorize resubmittal to Ramsey County Regional Railroad Authority.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (271274)

2006 Alley Resurfacing Program: Order City Engineer to proceed with the work and adopt special assessments in the amount of \$78,000.31 and request Board of Estimate and Taxation to issue and sell assessment bonds; Comments.

Advertising in Parking Ramps and Adjoining Walkways: Approve inclusion of alternative advertising types in conjunction with backlit ad panel units.

Traffic Signal Indication LED Conversion Program: Increase appropriation and revenue for program by \$143,000, to be reimbursed by Xcel Energy rebate funds.

Priority Vehicle Control System Project: Increase appropriation and revenue for project by \$176,555.81, to be reimbursed by Federal ISTEA funding from MnDOT.

MnDOT/City of Minneapolis Routine Maintenance Agreements: Authorize amendment to agreement effective July 1, 2005 through June 30, 2007, or until new agreement is negotiated.

Water Mains: Increase contract with J. Fletcher and Creamer & Son, Inc., by \$383,500 for the addition of \$26,000 feet of cast iron water mains to be clean and lined in 2006.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271275)

Legal Settlements: a) Aynababa Abebe v. City of Minneapolis and Sgt. Tim Davison; and b) Kristen Thompson v. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (271276)

Business Intelligence Application: Authorize execution of contract with Cognos Corporation for Business Intelligence application services.

Citation Issuance System: Authorize execution of contract with Advanced Public Safety for citation applications services; Approve appropriation.

COMMUNICATIONS (271277)

Utility Bill Insert: July 2006 insert on behalf of the Public Works Department, Solid Waste Division announcing the household hazardous waste drop-off sites and schedules.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271278)

Target Center Arena Lease - Operating, Management, Use and Assurances Agreement and Basketball Playing Agreement: a) Approve terms of amendment; b) Authorize execution of the amendment; and c) Approve appropriation.

CONVENTION CENTER (271279)

GMCA Donation: Accept donation of \$176,000 from the non-profit Convention Events Fund for expenses incurred for qualifying events; and Approve appropriation.

In-House Security Services: Authorize issuance of RFP for security services at the Minneapolis Convention Center facility, effective September 1, 2006, for an estimated annual cost of \$1,510,000.

CONVENTION CENTER & PROCUREMENT (271280)

Bid OP# 6609: Accept low bid of Collins Electrical Systems, Inc., d.b.a. ColliSys for lighting control system upgrade.

COORDINATOR (271281)

2020 Vision, Five Year City Goals & Strategy Directions, and Working Values: Adopt Plan.

HUMAN RESOURCES (271282)

Parker Rosen L.L.C. Contract: Amendment increasing Contract C-23087 amount not to exceed \$100,000.

New Appointed Position: Director, Business Administration: a) Approve proposed position allocated to grade 12, 563 points; b) Approve annual salary, effective April 1, 2006; and c) Passage of Salary Ordinance.

Reclassified Position: Director, Budget Information and Coordination: a) Approve position reclassification, grade 11, 513 points, effective June 9, 2006; and b) Passage of Salary Ordinance.

Assistant City Coordinator, Convention Center: a) Approve annual salary schedule for the position in exception to the adopted appointed employee's compensation plan, effective June 16, 2006; and b) Passage of Salary Ordinance.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (271283)

Cedar Riverside Neighborhood First Step NRP Action Plan - Phase I: a) Approve action plan; b) Approve appropriation; and c) Authorize execution of contract and agreements needed.

WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271284)

West Broadway Alive! Master Plan: Authorize contract not to exceed \$130,000 with Short Elliott Hendrickson Inc.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (271285)

Landmark Designation Ann C. and Frank B. Semple House and Carriage House (100-104 Franklin Ave W): Resolution to approve landmark designation.

INSPECTIONS/BOARD OF ADJUSTMENT (271286)

Appeals:

Gregory Langford (2624 1st Ave S): re decision of the BOA approving variances;

Steve Leventhal (2409 Colfax Ave S): re decision of the BOA approving a certificate of nonconforming use.

PLANNING COMMISSION/DEPARTMENT (271287)

Appeal:

Dan Radunz (5912 Girard Ave S): re decision of CPC denying applications for conditional use permits and variances.

Rezoning:

St. Mary's University of Minnesota (2304 Park Ave, 2222 and 2226 Oakland Ave): re rezoning of 2304 Park Ave.

Mississippi River Critical Area Plan Approve draft 2006 Mississippi River Critical Area Plan Zoning Code Text Amendment Ordinance amending Title 20, Chapter 548, a portion of Table 548-4, to revise minimum lot area requirements for residential uses in the C1 District.

NEW BUSINESS:

CHARTER COMMISSION (271288)

Instant Runoff Voting: Transmittal letter from Charter Commission to City Council rejecting ordinance amending Chapter 2 of City Charter relating to Officers-Elections.

FILED:

ATTORNEY (271288.1)

Legal Settlement: Nicholas Haberle v. City of Minneapolis.

CHARTER COMMISSION (271289)

Charter Commission Appointment: Order of Judge Lucy A. Wieland appointing Corbin Connell and Ian Stade; and signed Acceptances and Oaths of Office.

LITTLE EARTH OF UNITED TRIBES HOUSING CORPORATION (271290)

Vacate that part of land west of Ogema Place that is part of the Little Earth Rehabilitation Phase IV Project, to be used for green space and parking, in exchange for a similar sized parcel near Ogema Place.

UNIVERSITY OF MINNESOTA REAL ESTATE OFFICE (271291)

Vacation to the University of the portions of 23rd Ave SE (approximately) between University Avenue and 4th St SE

Vacation to the University of the portions of 4th St SE (approximately) between 23rd Avenue SE and 25th Avenue SE

WOLF, JOHN (271292)

Vacate to alley between Chicago Avenue and Elliot Avenue, south of Lake Street, behind Lots 1 through 6 and lots 23 through 27, Block 2, The Erastus Byers Addn to Minneapolis.

The following reports were signed by Mayor Rybak on June 20, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration development of 1910 - 24th Ave N and 1912 Hillside Ave N, now recommends passage of the accompanying resolutions:

- a) Approving the subdivision of a lot at 1910 - 24th Ave N;
- b) Authorizing sale of the property at 1912 Hillside Ave N and the Westerly 22.50 feet of 1910 - 24th Ave N to Twin Cities Habitat for Humanity, Inc., for \$1.00, subject to the following conditions:
 - 1) Land sale closing must occur on or before 30 days from date of City Council approval;
 - 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.
- c) Authorizing sale of the property at 1910 - 24th Ave N, less the Westerly 22.50 feet of 1910 - 24th Ave N to Renewed Dwellings, Inc., for \$20,000, subject to the following conditions:
 - 1) Land sale closing must occur on or before 30 days from date of City Council approval;
 - 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

If Renewed Dwellings, Inc. fails to close, authorization is given for sale of 1910 - 24th Ave N less the Westerly 22.50 feet of 1910 - 24th Ave N to Twin Cities Habitat for Humanity, Inc for \$1.00 subject to the following conditions:

1) Land sale closing must occur on or before 30 days from date of the Department of Community Planning & Economic Development (CPED) notification;

2) Payment of holding costs of \$150 per month from the date of notification to the date of closing if land sale closing does not occur on or before 30 days from date of CPED notification.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 6/16/06.

Resolution 2006R-302, approving the subdivision of a lot at 1910 - 24th Ave N, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-302
By Goodman

Approving the subdivision of a lot at 1910 24th Avenue North.

Whereas, the City of Minneapolis' Department of Community Planning and Economic Development (CPED) has requested that a parcel of land located at 1910 24th Avenue North and legally described as Lot 16, Block 7, Forest Heights. Being registered land as is evidenced by Certificate of Title No. 1142749, be subdivided as follows:

PARCEL A: TF-302B; 1910 24th Avenue North: *The westerly 22.50 feet of Lot 16, Block 7, Forest Heights;*

PARCEL C: TF-302A; 1910 24th Avenue North: *Lot 16, except the westerly 22.50 feet thereof, Block 7, Forest Heights; and*

Whereas, the City of Minneapolis intends to convey the subdivided parcels listed above to the purchasers of the adjacent City of Minneapolis (CPED) properties with the following parcel:

PARCEL A TF-302B to 1912 Hillside Avenue North: Lot 15, Block 7, Forest Heights. Being registered land as is evidenced by Certificate of Title No. 1142814;

PARCEL C TF-302A to 1910 24th Avenue North: Lot 17; except that part of Lot 17 lying easterly of the following described line: commencing at the Southeast corner of said Lot 17 thence Westerly along the South line of said Lot 17 a distance of 19.03 feet to the actual point of beginning of the line to be described; thence Northerly to appoint in the North line of said Lot 17 a distance of 18.38 feet Westerly of the Northeast corner of said Lot 17 and said line there terminating, Block 7, Forest Heights; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on May 26, 2006 a public hearing on said subdivision and proposed sale was duly held in a meeting of the Community Development Committee of the City Council at 1:30 p.m., June 6, 2006, in Room 317, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted 6/16/06.

Resolution 2006R-303, authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-301 & 302B (1912 Hillside Ave N), was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-303
By Goodman

Authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-301 & 302B (1912 Hillside Ave N).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-301 & 302B, in the Jordan neighborhood, from Twin Cities Habitat for Humanity, Inc. (TCHF), hereinafter known as the Redeveloper, the Parcel TF-301 & 302B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-301 & 302B; 1912 Hillside Ave N: Lot 15 and the Westerly 22.50 feet of Lot 16, Block 7 Forest Heights. Being registered as evidenced by Certificate No. 1142814 and 1142749 which covers other land; and

Whereas, the Redeveloper has offered to pay the sum of \$1, for Parcel TF-301 & 302B to the City for the land, and the Redeveloper's proposal is in accordance with the a Memorandum of Understanding between the City and TCHF dated December 7, 1998, as amended September 29, 2005 (MOU); and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 26, 2006, a public hearing on the proposed sale was duly held on June 6, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value of the parcel is estimated to be \$18,500; however, in accordance with and for such uses as described in the MOU, the City is selling TF-301 & 302B for the sum of \$1.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the

provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 6/16/06.

Resolution 2006R-304, authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-302A & JOR 78-7B (1910 - 24th Ave N), was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-304
By Goodman

Authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-302A & JOR 78-7B (1910 - 24th Avenue North).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop disposition Parcel TF-302A & JOR 78-7B, in the Jordan neighborhood, from Renewed Dwellings, Inc., hereinafter known as the Redeveloper and another offer to purchase and develop Parcel TF-302A & JOR 78-7B, from Twin Cities Habitat for Humanity, Inc. (TCHF) hereinafter known as the Alternate Redeveloper, the Parcel TF-302A & JOR 78-7B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-302A & JOR 78-7B; 1910 24th Avenue N: Lot 16, except the Westerly 22.50 feet thereof, and all that part of Lot 17 lying westerly of the following described line: Commencing at the Southeast corner of said Lot 17; thence westerly along the south line thereof a distance of 19.03 feet to the actual point of beginning of the line to be described; thence northerly to a point in the North line of said Lot 17 distance 18.38 feet westerly of the Northeast corner thereof and there terminating; All in Block 7, Forest Heights. Being registered property as is evidenced by Certificate of Title No. 1142749 which covers other land; and

Whereas, the Redeveloper has offered to pay the sum of \$20,000, for Parcel TF-302A & JOR 78-7B to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Alternate Redeveloper has offered to pay the sum of \$1, for Parcel TF-302A & JOR 78-7B to the City for the land, and the Redeveloper's proposal is in accordance with the a Memorandum of Understanding between the City and TCHF dated December 7, 1998, as amended September 29, 2005 (MOU); and

Whereas, both the Redeveloper and the Alternate Redeveloper have submitted to the City statements of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 26, 2006, a public hearing on the proposed sale was duly held on June 6, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Tax Forfeiture Program plan, as amended, is hereby estimated to be the sum of \$20,000 for Parcel TF-302A & JOR 78-7B; however, in accordance with an for such uses described in the MOU, the City is selling Parcel TF-302A & JOR 78-7B for the sum of \$1 to TCHF as the Alternate Redeveloper.

Be It Further Resolved that the acceptance of the offers and proposals are both hereby determined to be in accordance with the City's approved disposition policy and it is further determined that both

the Redeveloper and the Alternate Redeveloper possess the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program, but that the City prefers the Redeveloper's proposal over the Alternate Redeveloper's proposal.

Be It Further Resolved that the Redeveloper's proposal is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that if and only if Redeveloper fails to close on the land sale pursuant to the conditions described above, the Alternate Redeveloper's proposal is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date of City notification to the Alternate Redeveloper and 2) payment of holding costs of \$150.00 per month from the date of notification if the land sale closing does not occur on or before 30 days from the date of City notification to the Alternate Redeveloper.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development Director. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized consistent with the terms herein to execute and deliver the contract to the Redeveloper or Alternate Redeveloper, as appropriate; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized consistent with the terms herein to execute and deliver a conveyance of the land to the Redeveloper or the Alternate Redeveloper as appropriate in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 6/16/06.

Comm Dev - Your Committee, having under consideration the development of 2134 James Ave N, now recommends passage of the accompanying resolutions:

- a) Approving the transfer of Minneapolis Community Development Agency (MCDA) property at 2134 James Ave N to the City of Minneapolis; and
- b) Authorizing sale of the property at 2134 James Ave N to Twin Cities Habitat for Humanity, Inc for \$1.00, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval;
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 6/16/06.

Resolution 2006R-305, transferring Certain Real Property at 2134 James Ave N of the Minneapolis Community Development Agency to the City of Minneapolis, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-305

By Goodman

Transferring Certain Real Property at 2134 James Avenue North of the Minneapolis Community Development Agency to the City of Minneapolis.

Whereas, the City Council exercising powers granted by Minnesota Laws, 2003, Chapter 127, Article 12, Sections 31-34, adopted Chapter 415, Minneapolis Code of Ordinances, establishing the Department of Community Planning and Economic Development ("CPED") and authorizing transfers to the City of money, real property, investments, personal property, assets, programs, projects, districts, developments and obligations of the Minneapolis Community Development Agency ("MCDA"); and

Whereas, pursuant to Resolution Nos. 2003R-625 and 2003R-626, both adopted on December 29, 2003, the City Council approved transfer of the money, investments, personal property, programs, projects, districts and obligations of the MCDA described therein, including the assets, rights and obligations of the Common Bond Fund, effective as of January 1, 2004; and

Whereas, the City Council has decided to now transfer certain MCDA-owned real estate;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis as follows:

That the City Council hereby transfers and conveys to the City the MCDA real property being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-557; 2134 James Avenue N: Lot 15, Block 18, "Forest Heights."

Be It Further Resolved that the transfer authorized by this resolution shall be effective upon execution and delivery of a deed with respect to the property identified above or other appropriate instrument from the MCDA in favor of the City.

Adopted 6/16/06.

Resolution 2006R-306, authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-557 (2134 James Ave N), was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-306

By Goodman

Authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-557 (2134 James Avenue North).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-557, in the Jordan neighborhood, from Twin Cities Habitat for Humanity, Inc. (TCHF), hereinafter known as the Redeveloper, the Parcel TF-557, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-557; 2134 James Ave N: Lot 15, Block 18, "Forest Heights"; and

Whereas, the Redeveloper has offered to pay the sum of \$1.00, for Parcel TF-557 to the City for the land, and the Redeveloper's proposal is in accordance with the a Memorandum of Understanding between the City and TCHF dated December 7, 1998, as amended September 29, 2005 (MOU); and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 26, 2006, a public hearing on the proposed sale was duly held on June 6, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value of the parcel is estimated to be \$17,600; however, in accordance with and for such uses as described in the MOU, the City is selling TF-557 for the sum of \$1.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 6/16/06.

Comm Dev - Your Committee recommends approval of the terms for the City acquisition of an easement from Hi-Lake LLC to further implement a program of improved transportation connections, public spaces, and integration of the Lake Street/Midtown Light Rail Transit station with surrounding land uses, in exchange for \$100,000 funded from Metropolitan Council Livable Communities Demonstration Account grant funds.

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06)

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget – Your Committee, having under consideration the issuance of revenue bonds on behalf of the New French Bakery for a second plant operation at 828 Kasota Ave, now recommends passage of the accompanying resolution giving preliminary approval of up to \$9.0 million in Tax-exempt and Taxable Limited Tax Supported Development Revenue Bonds, Common Bond Fund Series 2006, for said project, to be issued through the Common Bond Fund and designating the bonds as bonds entitled to the security provided by Ordinance No. 87-OR-084, Tax Reserve and Pledge Ordinance.

Adopted 6/16/06.

Resolution 2006R-307, giving preliminary approval to a project on behalf of New French Bakery, Inc for a second plant operation at 828 Kasota Ave, and authorizing the issuance of revenue bonds or notes

of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-307
By Goodman and Ostrow

Giving preliminary approval to a project on behalf of New French Bakery, Inc. and authorizing the issuance of revenue bonds or notes of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents.

Whereas, under Sections 469.152 through 469.1651 of the Minnesota Statutes, as amended (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to issue revenue bonds or notes for the purpose of providing financing for the acquisition, construction, rehabilitation and installation of projects consisting of real and personal properties used or useful in connection with a revenue-producing enterprise engaged in any business; and

Whereas, the City has assumed the obligations of the Minneapolis Community Development Agency (the "Agency") with respect to a certain common bond fund and intends to continue to issue revenue bonds to be secured thereby (the "Common Fund Bonds"); and

Whereas, the City has authority to issue Common Fund Bonds and is the successor to the Common Fund Bonds issued by the Agency; and

Whereas, in enacting the Act, the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and

Whereas, other factors necessitating such active promotion and development of industry and commerce within the City are the increasing movement of population and business to suburban areas, the steady and rapid increase in the amount and cost of governmental services required to meet the needs of the central City area and the need for more intensive development and use of land within the City to provide an adequate tax base to finance these costs; and

Whereas, the promotion, attraction, encouragement and development of economically sound industry and commerce provides employment opportunities for residents of the City and encourages land development, thereby increasing the tax base of the City and overlapping taxing districts; and

Whereas, New French Bakery, Inc., a Minnesota corporation (the "Company"), has proposed to acquire, improve and equip a manufacturing facility located at 828 Kasota Avenue in the City (hereinafter, the "Project"), to be used in the operation of its baking business; and

Whereas, the Company has proposed that the City issue one or more series of its Common Fund Bonds (the "Bonds"), for the purpose of financing the Project, including certain incidental expenses thereto, in a principal amount expected to not exceed \$9,000,000, and the proposal calls for the proceeds realized upon the sale of the Bonds to be applied by the Company pursuant to a revenue agreement wherein the Company will be obligated to acquire, improve and equip the Project and to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payments of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the City has been advised by representatives of the Company that conventional, commercial financing to pay the capital cost of the Project has not been obtained and is available only on a limited basis and at such high costs and on such terms of borrowing that the economic feasibility of the Project would be significantly impaired, such that the Project would not be undertaken but for the availability of industrial development bond financing under the Act; and

Whereas, the City Council has been advised that the proposed bond issue has been submitted to the Mayor and the Planning Commission of the City at least fourteen (14) days prior to consideration hereof; and

Whereas, it is proposed that the Bonds would be further secured by Chapter 424 of the City Code of Ordinances; and

Whereas, the proposed Project consists of real and/or personal properties to be used in a revenue-producing enterprise engaged in business, as authorized by the Act; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by encouraging the location and retention of revenue-producing enterprises within the City, by increasing the tax base of the City and overlapping taxing jurisdictions, by providing additional or retaining existing employment opportunities for residents of the City and surrounding area or by stimulating the development and redevelopment of marginal lands within the City; and

Whereas, except as may be authorized by Chapter 424 of the City Code of Ordinances, the full faith and credit of the City will not be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That it is hereby found and determined that the Project would not be undertaken but for the availability of industrial development bond financing under the Act.

2. That the undertaking of the Project and the issuance by the City of its Bonds pursuant to the Act in an approximate aggregate principal amount of \$9,000,000 or such other amount approved by the City not exceeding such sum by more than ten percent (10%), to finance the costs thereof, all as referred to above, is hereby authorized and approved by the City, subject to the approval of the Project by the Department of Employment and Economic Development of the State of Minnesota (the "Department") under the Act, and to the agreement of the City, the Company and the purchaser or purchasers of the Bonds on the detailed terms and conditions on which the Project will be acquired, improved and equipped and the Bonds will be issued, sold and secured.

3. That in accordance with Sections 469.152 through 469.1651, Minnesota Statutes, staff of the City is hereby authorized and directed to submit the proposal for undertaking the Project to the Department requesting approval of the Project. The Finance Officer, the City Attorney and other officers, employees and agents of the City are hereby authorized to provide the Department such preliminary information as may be required for this purpose. The City Attorney is also authorized, in cooperation Gray, Plant, Mooty, Mooty & Bennett, P.A., as bond counsel, to initiate preparation of such documents as may be appropriate to the Project in order that, when and if the Project is approved by the Department, it may be carried forward expeditiously.

4. That the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the resolution authorizing the issuance of such Bonds should the City so determine.

5. That the City shall not adopt a resolution authorizing the issuance of the Bonds until all persons and entities, including the Company, involved in the operations or ownership of the Project have complied with all requirements of and had their respective affirmative action plans and equal opportunity requirements approved by the affirmative action office of the City.

6. That if and when the Bonds are issued by the City such Bonds shall be designated by the City Council of the City as bonds entitled to the security provided by Chapter 424 of the City Code of Ordinances and that the Bonds hereby requested to be designated shall not exceed \$9,000,000 or such other amount approved by the City not exceeding such sum by more than ten percent (10%).

7. This Resolution shall constitute the official intent of the City to reimburse expenditures by the Company with respect to the Project, within the meaning of Section 1.150-2 of the Treasury Regulations.

Adopted 6/16/06.

Comm Dev & W&M/Budget - Your Committee, having under consideration the allocation by the State of Minnesota of \$1 million in the form of a grant to the City for pre-design and design of the atrium portion of the Minnesota Shubert Center, now recommends approval of the following:

- a) Terms of the Grant Agreement with the Minnesota Department of Employment and Economic Development;
- b) Design Sub-Grant Agreement with Artspace Projects, Inc;
- c) Amendment to Contract for Private Redevelopment and Option Agreement with Artspace Projects, Inc;
- d) Neighborhood Revitalization Program Grant Agreement, on behalf of the Downtown Minneapolis Neighborhood Association, in the amount of \$95,000;
- e) Execution of the above and all related documents as necessary.
- f) Acceptance and appropriation of the Minnesota Department of Employment and Economic Development 2005 State bonding grant of \$1 million, by passage of the accompanying resolution increasing the Community Planning & Economic Development Agency appropriation and revenue source by \$1 million to reflect receipt of said grant funds.

Adopted 6/16/06.

RESOLUTION 2006R-308
By Goodman and Ostrow

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants - State & Local Fund (0600-890-8933) by \$1,000,000 and increasing the revenue source (0600-890-8490-3215) by \$1,000,000.

Adopted 6/16/06.

Comm Dev & W&M/Budget - Your Committee, having under consideration amendments to the current Parcel D West Redevelopment Contract (consisting of Park Avenue West Lofts, Washington Live/Work, and The Portland development projects on the block between Washington Ave S and 2nd St S and between Portland & Park Aves S), to allow for an extension of time on The Portland project to 6/1/07, now recommends that the proper City officers be authorized to execute an amendment to the Amended and Restated Redevelopment Contract between the City of Minneapolis and Brighton Nine/Portland LLC (affiliate of Brighton Development Corporation) for portions of Parcel D West as outlined in the Department of Community Planning & Economic Development staff report.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development Department appropriation by \$125,000 to reflect the receipt of funds to be reimbursed by Brighton Development Corporation for construction shoring in connection with the grant-funded soil remediation and increasing the revenue budget by \$272,492.

Adopted 6/16/06.

RESOLUTION 2006R-309
By Goodman and Ostrow

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the West Side Milling District Fund (CWM0-890-8933) by \$125,000 and increasing the revenue source (CWM0-890-8490) by \$272,492.

Adopted 6/16/06.

Comm Dev & W&M/Budget - Your Committee recommends approval of the use of \$52,706 of Neighborhood Revitalization Program (NRP) 2006 Administrative Budget for securing Directors and Officers and Employee Liability insurance for Minneapolis neighborhood organizations and the Minneapolis NRP Policy Board.

Your Committee further recommends that the proper City officers be authorized to enter into any contracts or agreements needed to implement this request.

Adopted 6/16/06.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Homeownership and Century Homes Programs, now recommends approval for providing subsidy to the following properties equal to 50% of the development gap for the properties in the Century Homes program and 100% of the gap for those properties in the Homeownership program:

Address	Program	Acquisition Cost	Subsidy
3933 13 th Ave S	Century Homes	\$79,900	\$42,356
3554 2 1/2 Street NE	Century Homes	\$48,000	\$18,288
3600 Queen Ave N	Century Homes	\$33,000	\$23,210
3642 6 th St N	Century Homes	\$37,000	\$21,495
1115 25 th Ave N	Homeownership Program	\$15,000	\$34,413
3838 Bryant Ave N	Homeownership Program	\$37,000	\$30,860
1631 Sheridan Ave N	Homeownership Program	\$38,000	\$10,865
509 Logan Ave N	Homeownership Program	\$ 5,000	\$25,840
3415 Fremont Ave N	Homeownership Program	\$40,000	\$29,750
3842 6 th St N	Homeownership Program	\$39,000	\$33,910
3514 Humboldt Ave N	Homeownership Program	\$39,000	\$29,811
3505 Humboldt Ave N	Homeownership Program	\$40,000	\$32,679
3706 6 th St N	Homeownership Program	\$40,000	\$32,679

Your Committee further recommends approval of the Senior Regeneration Program as an emphasis of both Century Homes and the Homeownership programs, and that \$300,000 be approved for funding this activity, by passage of the accompanying amendment to the 2006 Appropriation Resolution increasing the Community Planning & Economic Development Department appropriation by \$300,000.

Adopted 6/16/06.

RESOLUTION 2006R-310

By Goodman and Ostrow

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Residential Finance Fund (SRF0-890-8953) by \$300,000.

Adopted 6/16/06.

The **HEALTH, ENERGY & ENVIRONMENT** Committee submitted the following reports:

HE&E - Your Committee recommends concurrence with the recommendation of the Mayor to appoint Jason Jenkins, Ward 13, to the Minneapolis Advisory Committee on People with Disabilities, for a two-year term to expire December 31, 2007.

Adopted 6/16/06.

HE&E – Your Committee recommends concurrence with the recommendation of the City Council to appoint the following persons to serve on the Public Health Advisory Committee for two-year terms to expire December 31, 2007:

Paul Zerby, representing Ward 2
Rachel Mahon Bosman, representing Ward 3
Nicole McNamara, representing Ward 6
Scott Morris, representing Ward 10
Karen Pratt, representing Ward 11
Patrick Donaway, representing at-large
Debra Riley, representing at-large.
Adopted 6/16/06.

HE&E – Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to Civil Rights, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Title 7, Chapter 139 relating to *Civil Rights: In General*, conforming with State law, revising language in contract compliance provisions, and modifying language regarding disabilities and affectional preference.

b. Title 7, Chapter 141 relating *Civil Rights: Administration and Enforcement*, relating to commission membership attendance requirements, disparate impact complaint procedure, correction of typographical errors, amending “affectional preference” to “sexual orientation”, and subpoena power of the Director of Civil Rights.

c. Title 2, Chapter 15 relating to *Administration: Ethics in Government*, amending “affectional preference” to “sexual orientation”.

d. Title 9, Chapter 172 relating to *Fire and Police Protection: Civilian Review Authority*, amending “affectional preference” to “sexual orientation”.

Benson moved to amend Section 139.40 (i) of the ordinance by changing the referenced subsections, to read as follows:

“For purposes of subsections 139.40(i)(5), 139.40(i)(6) and 139.40(i)(7), “person” or “class of persons” means clients or customers of the covered public accommodation that enter into the contractual, licensing, or other arrangement.” Seconded.

Adopted by unanimous consent.

Gordon moved to amend the ordinance by deleting Section 139.40 (j), Subdivision (3), which reads as follows:

“(3) It is not an unfair discriminatory act:

a. for the City Council, by resolution, to designate spaces on City boards and commissions to be filled by a person of a certain age so long as such designation is permitted by the bylaws and rules of the city board or commission.

b. for positions on city boards and commissions to be filled by persons of the designated ages.” Seconded.

Adopted upon a voice vote.

The report was adopted 6/16/06.

Ordinance 2006-Or-061 amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances relating to *Civil Rights: In General*, amending Sections 139.10, 139.20, 139.30, 139.40, 139.50 and 139.90 conforming with State law, revising language in contract compliance provisions, and modifying language regarding disabilities and affectional preference, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-061
By Benson
Intro & 1st Reading: 4/14/06
Ref to: HE&E
2nd Reading: 6/16/06

Amending Title 7 Chapter 139 of the Minneapolis Code of Ordinances relating to Civil Rights: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 139.10 of the above-entitled ordinance be amended to read as follows:

139.10. Findings, declaration of policy and purpose, effective date. (a) *Findings.* The council finds that discrimination in employment, labor union membership, housing accommodations, property rights, education, public accommodations and public services based on race, color, creed, religion, ancestry, national origin, sex, including sexual harassment, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance or familial status adversely affects the health, welfare, peace and safety of the community. Such discriminatory practices degrade individuals, foster intolerance and hate, and create and intensify unemployment, substandard housing, undereducation, ill health, lawlessness and poverty, thereby injuring the public welfare.

(b) Declaration of policy and purpose. It is the public policy of the City of Minneapolis and the purpose of this title:

- (1) To recognize and declare that the opportunity to obtain employment, labor union membership, housing accommodations, property rights, education, public accommodations and public services without discrimination based on race, color, creed, religion, ancestry, national origin, sex, including sexual harassment, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance or familial status is a civil right; ;
- (2) To prevent and prohibit all discriminatory practices based on race, color, creed, religion, ancestry, national origin, sex, including sexual harassment, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance with respect to employment, labor union membership, housing accommodations, property rights, education, public accommodations or public services; ;
- (3) To prevent and prohibit all discriminatory practices based on familial status with respect access to real estate and services related to real estate; ;
- (4) To protect all persons from discrimination and from unfounded charges of discriminatory practices; ;
- (5) To eliminate existence and the development of any ghettos in the community; ~~and~~ ;
- (6) To effectuate the foregoing policy by means of public information and education, mediation and conciliation, and enforcement.

(c) Effective date. The amendments to this chapter shall apply to any complaint or charge alleging conduct occurring on or after July 1, 2006. The ordinance as enacted prior to these amendments shall continue to apply to any complaint or charge alleging conduct arising before July 1, 2006.

Section 2. That Section 139.20 of the above-entitled ordinance be amended to read as follows:

139.20. Definitions.

Affectional preference: Having or manifesting an emotional or physical attachment to another consenting person or persons, or having or manifesting a preference for such attachment, or having or projecting a self-image not associated with one's biological maleness or one's biological femaleness.

Age: Insofar as it refers to any act prohibited by section 139.40(a), (b), (c), or (d) shall be deemed to prohibit using a person's age as a basis for a decision if the person is over the age of majority-, which shall be deemed to protect any individual over the age of 25 years.

American Indian: For the purpose of meeting any goals required pursuant to section 139.50, "American Indian" shall mean any person who is an enrolled member of an Indian tribe, or who is a descendent in the first or second degree of any such member, or who is recognized as an Indian by the Secretary of the Interior.

Business: Any partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, or receiver. Business does not include the city and its departments, agencies, independent boards and commissions, the state and its departments and agencies, or other political subdivisions of the state.

Commission: The Minneapolis Commission on Civil Rights.

Complainant: A person for or on whose behalf a complaint alleging unlawful discrimination has been filed or issued.

Contract: Any contract or agreement entered into by the city for the provision of goods, services, buildings, improvements and other public works or development property in excess of fifty thousand dollars (\$50,000.00)

Department: The Minneapolis Department of Civil Rights.

Development contract: Any contract or agreement entered into by the city pursuant to which the City or MCDA provides direct or indirect financial assistance in excess of fifty thousand dollars (\$50,000) to a developer or owner of real property to facilitate construction or rehabilitation.

Development Contract shall not include:

- (1) Low income housing tax credits provided pursuant to 26 U.S.C., Section 42;
- (2) Taxable or tax-exempt financing issued for projects located outside of the City of Minneapolis;
- (3) Small business loan programs where public dollars are leveraged or supplemented with private dollars of a participating lender that originates, services and collects the public and private loan payments under an agreement with the City;
- (4) NRP funds used for the construction or rehabilitation of seven or less residential units and the amount of the assistance is less than \$100,000;
- (5) NRP funds used for the construction or rehabilitation of a commercial or industrial property where the amount of the assistance is less than \$100,000;
- (6) Assistance to an organization that promotes affordable home ownership opportunities through the extensive use of volunteer labor and/or sweat equity components to rehabilitate or construct dwellings;
- (7) Land sales for fair market value with no other assistance to the purchaser greater than \$50,000;
- (8) Financial assistance used to rehabilitate or construct a single family dwelling or duplex to be owned and occupied by the recipient of the financial assistance.

Director: The director of the department of civil rights.

Disability: Any condition or characteristic that ~~renders~~ causes a person ~~a disabled person to become a person with a disability~~. A ~~disabled person with a disability~~ is any person who:

- (1) Has a physical, sensory or mental impairment which materially limits one or more major life activities; or
- (2) Has a record of such an impairment; or
- (3) Is perceived as having such an impairment.

Discriminate or discrimination: Includes any act, attempted act, policy or practice, which results in the unequal treatment, separation or segregation of or which otherwise adversely affects any person who is a member of a class protected by this title, and for purposes of discrimination based upon sex it includes sexual harassment.

Educational institution: A public or private institution located or operating in the City of Minneapolis which performs educational services and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery school system, and a business, nursing, professional, secretarial, technical or vocational school; and further includes any agent or employee of an educational institution.

Elderly person: A person who is at least fifty-five (55) years of age.

Employ: To use or be entitled to the use and benefit of the services of a person as an employee.

Employee: Includes all persons who seek to, apply to, or perform services for any employer for compensation, whether in the form of wages, salaries, commission or otherwise.

Employer: Includes any person within the City of Minneapolis who hires or employs any employee, and any person wherever situated who hires or employs any employee whose services are to be partially or wholly performed in the City of Minneapolis.

Employment: The state of being employed as an employee by an employer.

Employment agency: Any person located or operating in the City of Minneapolis, regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer.

Entity under review: A bidder, responder to a request for proposals, developer, owner or prospective contractor seeking to contract with the City or the Minneapolis Community Development Agency.

Familial status: The condition of one or more minors residing with (1) their parent or parents or the minor's legal guardian or (2) the designed of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

Hearing committee: A committee of three (3) commissioners, one of whom is a lawyer, who have been designated by the chairperson of the commission to hear a complaint after a determination of probable cause and referral by the director.

Hire: To engage or contract for, or attempt to engage or contract for, the services of any person as an employee.

Housing for elderly persons: Housing:

- (1) Provided under any federal, state or local program that the director determines is specifically designed and operated to assist elderly persons, as defined in the federal, state or local program;

- (2) Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
- (3) Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit, provided that:
 - a. There are significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of these facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons.
 - b. At least eighty (80) percent of the units are occupied by at least one person fifty-five (55) years of age or older per unit.
 - c. There is publication of, and adherence to, policies and procedures that demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

Housing does not fail to meet the requirements for "housing for elderly persons" by reason of persons residing in the housing as of the effective date of this subsection who do not meet the age requirements of this subsection if new occupants of the housing meet the age requirements of this subsection. In addition, housing does not fail to meet the requirements by reason of unoccupied units if unoccupied units are reserved for occupancy by persons who meet the age requirements of this subsection.

Labor organization: Includes any person, employee representation committee or plan in which employees participate, or any agent or employee thereof, which operates in the City of Minneapolis or whose members live or are employed in the City of Minneapolis, and which exists wholly or in part for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment and shall include any conference, general committee, joint or system board, or joint council.

Lawyer: A person duly authorized and licensed by the State of Minnesota or any other state to engage in the practice of law.

Mediation: A forum in which a neutral third party facilitates communication between parties to promote settlement. Mediation focuses more on finding solutions than on determining fault. The mediator does not impose a decision or his or her own views upon the parties but aids them in reaching a mutually acceptable agreement.

National origin: The place of birth of an individual or of any of his lineal ancestors.

Person: Includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, public bodies or public corporations, including but not limited to the City of Minneapolis or any department or unit thereof, any other legal or commercial entity, and any agent or employee of all the foregoing.

Professional organization: Includes, but is not limited to, any person, organization, association, collective, or group which requires for membership any educational, experiential, professional or other credentials and provides services associated with the occupation, trade or profession around which the professional organization was formed to promote and service.

Public accommodations: Includes all services or facilities, other than governmental, of any kind offered or located within the City of Minneapolis which are generally open or offered to the public or which generally solicit public patronage or usage, whether operated for profit or not.

Public services: Includes all activities, services or facilities offered to the public within the City of Minneapolis by any governmental agency or unit of government owned, operated or managed by any local, state or federal government, including, but not limited to, the Minneapolis Community Development Agency and Special School District No. 1.

Qualified ~~disabled~~ person with a disability:

- (1) With respect to employment, a ~~disabled~~ person with a disability who, with reasonable accommodation, can perform the essential functions required of all applicants for the job ~~or activity~~ in question.
- (2) With respect to public services and programs, a ~~disabled~~ person with a disability who, with reasonable accommodation, physical and program access, meets the essential ~~eligible~~ eligibility criteria required of all applicants for the program or service in question.

For the purpose of this chapter, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

If a respondent contends that the person is not a qualified ~~disabled~~ person with a disability, the burden is on the respondent to prove that it was reasonable to conclude the ~~disabled~~ person with a disability, with reasonable accommodation, could not have met the requirements of the job or that the selected person was demonstrably better able to perform the job.

Real estate broker; real estate salesperson: A real estate broker as defined by Minnesota Statutes, Section 82.17, Subdivision 4, and real estate salesperson as defined by Minnesota Statutes, Section 82.17, Subdivision 5.

Real property: Any right, title, interest in or to the possession, ownership, enjoyment of occupancy of any parcel of land in the City of Minneapolis, any building situated thereon, or any portion of such buildings.

Reasonable accommodation: Steps which must be taken to accommodate the known physical or mental limitations of a qualified ~~disabled~~ person with a disability. "Reasonable accommodation" may include but is not limited to:

- ~~(a)~~(1) ~~making~~ facilities readily accessible to and usable by ~~disabled~~ persons with disabilities;
- ~~(b)~~(2) ~~job~~ restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis;
- ~~(c)~~(3) ~~providing~~ access to real property through modifications to the public portions of the real property that renders it accessible to persons with mobility impairments, or other modifications as required to accommodate ~~disabled~~ persons with disabilities; and
- ~~(d)~~(4) ~~permitting~~ a person, who is a ~~disabled~~ person with a disability, to make reasonable modifications of existing premises occupied or to be occupied by the ~~disabled~~ person with a disability if the modifications may be necessary to afford the ~~disabled~~ person with a disability full enjoyment of the premises; provided however, that a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, excluding reasonable wear and tear.

This definition is not intended to limit the offering of reasonable accommodations only to persons meeting the definition of disability described herein. Employers are encouraged to make accommodations that in their judgment will enhance the work performance of all employees regardless of disability status.

Religious or denominational educational institutions: An educational institution located or operating in the City of Minneapolis which is operated, supervised, controlled or sustained primarily by a religious or denominational organization, or is one which is stated by the parent church body to be and is, in fact, officially related to that church through church representation on the board of the institution and through substantial church financial assistance to the institution, providing the institution has certified, in writing, to the commission that it is a religious or denominational educational institution; and further includes any agent or employee of such an institution.

Reprisal: A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment. It is a reprisal for an employer to do any of the following with respect to a person because that person has engaged in the activities listed in subsection 139.40(l)(3) refuse to hire the person; depart from any customary employment practice; transfer or assign the person to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the person has engaged in the activities listed in subsection 139.40(l)(3).

Respondent: A person against whom a complaint alleging unlawful discrimination has been filed or issued.

Review committee: A committee of three (3) commissioners, one of whom is a lawyer, who have been designated by the chair person of the commission to review an appeal by a complainant from a determination of no probable cause by the director.

Sex: The character of being male or female and encompasses, but is not limited to, pregnancy, childbirth, disabilities related to pregnancy or childbirth, and sexual harassment. ~~Sexual harassment: Includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct, or communication of a sexual nature when:~~

- ~~(1) Submission to the conduct, or communication, is made a term or condition, either explicitly or implicitly, of obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution, or;~~
- ~~(2) Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual in obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution, or;~~
- ~~(3) That conduct or communication has the purpose or effect of substantially interfering with an individual in regard to, or creating an intimidating, hostile or offensive environment in regard to the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.~~

Sexual harassment: Includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct, or communication of a sexual nature when:

- (1) Submission to the conduct, or communication, is made a term or condition, either explicitly or implicitly, of obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution, or;
- (2) Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual in obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution, or;
- (3) That conduct or communication has the purpose or effect of substantially interfering with an individual in regard to, or creating an intimidating, hostile or offensive environment in regard to the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution.

Sexual orientation means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include a physical or sexual attachment to children by an adult.

Status with regard to public assistance: The condition of being a recipient of federal, state or local assistance, including medical assistance, or of being a tenant receiving federal, state or local subsidies, including rental assistance or rent supplements.

Section 3. That Section 139.30 (a) of the above-entitled ordinance be amended to read as follows:

139.30. Exemptions. (a) *Employment.* The provisions of section 139.40(a), (b) and (c) shall not apply to or prohibit:

- (1) The employment of any individual by his or her parent, grandparent, spouse, domestic partner as defined in Chapter 142 of the Minneapolis Code of Ordinances, child or grandchild, or in the domestic service of any person;_
- (2) Any religious corporation, association or society with respect to the hiring or employment of individuals of a particular religion, when religion shall be a bona fide occupational qualification for employment;_
- (3) An employer, employment agency or labor organization from requiring or requesting a person to undergo a physical examination which may include a medical history for the purpose of determining the person's capability to perform available employment provided that all of the following are complied with:
 - ~~(a) a.~~ An offer of employment has been made on condition that the person meets the physical or mental requirements of the job;_ except that a law enforcement agency filling a peace officer position or part-time peace officer position may require or request an applicant to undergo psychological evaluation before a job offer is made provided that the psychological evaluation is for those job-related abilities set forth by the Board of Peace Officer Standards and Training for psychological evaluations and is otherwise lawful.
 - ~~(b) b.~~ The examination tests only for essential job-related abilities;_ and
 - ~~(c) c.~~ The examination, except for examinations required under Minnesota Statutes, Chapter 176 is required of all persons conditionally offered employment for the same position regardless of disability;_ or

d. That the information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations; first aid safety personnel may be informed, when appropriate, if the disability might require emergency treatment; government officials investigating compliance with this chapter must be provided relevant information on request; and information may be released for purposes mandated by local, state, or federal law; provided that the results of the examination are used only in accordance with this chapter.

(i)(4) ~~With~~ An employer, employment agency or labor organization, with the consent of the employee, to obtain after employment has commenced, from obtaining additional medical information for the purposes of establishing an employee health record; assessing continuing ability to perform the job or employee health insurance eligibility; for purposes mandated by local, state, or federal law; or for purposes of assessing the need to reasonably accommodate an employee or other legitimate business reason not otherwise prohibited by law.

(ii)(5) ~~To administer~~ An employer, employment agency or labor organization from administering preemployment tests, provided that the tests satisfy all of the following:

(a)a. ~~measure~~ Measure only essential job-related abilities;.

(b)b. ~~are~~ Are required of all applicants for the same position regardless of disability except for tests authorized under Minnesota Statutes, Chapter 176; ~~and~~.

(c)c. ~~accurately~~ Accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills, except when those skills are the factors that the tests purport to measure.

(iii)(6) ~~To limit~~ An employer, employment agency or labor organization from limiting receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; ~~or~~ .

(iv)(7) ~~To provide~~ An employer, employment agency or labor organization from providing special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria.

Section 4. That Section 139.40 of the above-entitled ordinance be amended to read as follows:

139.40. Acts of discrimination specified. Without limitation, the following are declared to be unfair discriminatory acts:

(a) *Discrimination by a labor organization.* Except when based on a bona fide occupational qualification, for any labor organization, because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance:

- (1) To deny full and equal membership rights to a person seeking membership or to a member;
- (2) To expel a member from membership;
- (3) To discriminate against a person seeking membership or a member with respect to his hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment;
- (4) To fail to classify properly, or refer for employment or otherwise to discriminate against a person or member;

- (5) To fail to make reasonable accommodation to the known disability of a qualified ~~disabled~~ person with a disability unless the labor organization can demonstrate that the accommodation would impose an undue hardship on it.

"Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified ~~disabled~~ person with a disability.

"Reasonable accommodation" may include but is not limited to, nor does it necessarily require:

- (i) making facilities readily accessible to and usable by ~~disabled persons with disabilities; and~~
- (ii) job restructuring, modified work schedules, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.

In determining whether an accommodation would impose an undue hardship on the operation of a labor organization, factors to be considered include:

- a. The overall size of the labor organization with respect to number of members and the number and type of facilities in which those members are employed;_
- b. The type of operation, including the composition and structure of the work force;_
- c. The nature and cost of the needed accommodation;_
- d. The reasonable ability to finance the accommodation at each site of business; ~~and~~
- e. Documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the ~~disabled~~ person with a disability and with knowledgeable ~~disabled~~ persons with disabilities or disability organizations.

- (6) Except when based on a bona fide occupational qualification, it is an unfair employment practice for a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work, including a duty to make reasonable accommodations as provided by 139.40(a)(5).

(b) *Discrimination in employment.* Except when based on a bona fide occupational qualification, for an employer because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance:

- (1) To fail or refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment;_
- (2) To discharge an employee;_
- (3) To discriminate against a person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, discharge, or any term or condition of employment;_
- (4) For an employer with ~~fifty (50)~~ fifteen (15) or more permanent full-time employees to fail to make reasonable accommodation to the known disability of a qualified ~~disabled~~ person with a disability unless it can demonstrate that the accommodation would impose an undue hardship on it.

"Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified ~~disabled~~ person with a disability.

"Reasonable accommodation" may include but is not limited to, nor does it necessarily require:

- (i) making facilities readily accessible to and usable by ~~disabled persons with disabilities; and~~
- (ii) job restructuring, modified work schedules, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.
A prospective employer need not pay for an accommodation for a job applicant if it is available from an alternative source without cost to the employer or applicant.

In determining whether an accommodation would impose an undue hardship on the operation of an employer, factors to be considered include:

- a. The overall size of the employer with respect to number of employees or members and the number and type of facilities;_
- b. The type of operation, including the composition and structure of the work force;_

- c. The nature and cost of the needed accommodation;
- d. The reasonable ability to finance the accommodation at each site of business; ~~and~~
- e. Documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the ~~disabled~~ person with a disability and with knowledgeable ~~disabled~~ persons with disabilities or disability organizations.

(5) Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work, including a duty to make reasonable accommodations as provided by 139.40(b)(4).

(c) *Discrimination by an employment agency.* Except when based on a bona fide occupational qualification, for an employment agency because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance:

- (1) To refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person;
- (2) To comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this title;
- (3) To fail to make reasonable accommodation to the known disability of a qualified ~~disabled~~ person with a disability unless it can demonstrate that the accommodation would impose an undue hardship on it. "Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified ~~disabled~~ person with a disability.

"Reasonable accommodation" may include but is not limited to, nor does it necessarily require:

- (i) making facilities readily accessible to and usable by ~~disabled~~ persons with a disability; ~~and~~
- (ii) job restructuring, modified work schedules, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.

In determining whether an accommodation would impose an undue hardship on the operation of an employment agency, factors to be considered include:

- a. The overall size of the agency with respect to number of persons referred for employment and the kind or type of employment to which persons are referred;
- b. The nature and cost of the needed accommodation;
- c. Documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the ~~disabled~~ person with a disability and with knowledgeable ~~disabled~~ persons with disabilities or disability organizations.

(4) Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work, including a duty to make reasonable accommodations as provided by 139.40(c)(3).

(d) *Discriminatory practices in furnishing employment information and employment advertising.* Except when based on a bona fide occupational qualification, for an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization:

- (1) To require a person to furnish information that pertains to race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance, unless one of the following apply:

- a. For the purpose of national security, information pertaining to national origin is required by the United States, this state, or a political subdivision or agency of the United States or this state; ~~or.~~
- b. For the purpose of compliance with the Public Contracts Act or any rule, regulation or laws of the United States or of this state requiring information pertaining to race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance is required by the United States, this state, or a political subdivision or agency of the United States or this state; ~~or.~~
- (2) To cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, age, marital status, or status with regard to public assistance.
- (e) *Discrimination in real estate.* For an owner, lessee, sublessee, managing agent of, real estate broker, real estate salesperson or other person having the right to sell, rent or lease any property, or any agent or employee of any of these:
 - (1) To refuse to sell, rent or lease, to offer for sale, rental or lease, or otherwise deny or withhold any real property to or from any person or group of persons or to refuse to negotiate for the sale, rental or lease of any real property to any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, marital status, status with regard to public assistance or familial status.
 - (2) To represent that real property is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, marital status, status with regard to public assistance or familial status.
 - (3) To discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith, including application processes and fees, because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, marital status, status with regard to public assistance or familial status.
 - (4) To fail or refuse to make reasonable accommodations in rules, policies, practices or services when necessary to afford a ~~disabled person~~ with a disability an opportunity to use, enjoy or continue to use or enjoy a dwelling .
 - (5) To print, circulate or post, or cause to be printed, circulated or posted, any advertisement or sign, or use any form of application for the purchase, rental or lease of any real property, or make any record or inquiry verbal or written in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, marital status, status with regard to public assistance or familial status.
 - (6) To fail to design and construct covered multifamily dwellings available for first occupancy after March 13, 1991, so that:
 - a. The dwellings have at least one (1) building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual site characteristics; or
 - b. With respect to dwellings with a building entrance on an accessible route:
 - 1. The public and common use portions are readily accessible to and usable by ~~disabled persons~~ with disabilities.
 - 2. There is an accessible route into and through all dwellings and units.
 - 3. All doors designed to allow passage into, within and through these dwellings and individual units are wide enough for ~~disabled persons~~ with disabilities in wheelchairs.

4. Light switches, electrical switches, electrical outlets, thermostats, and other environmental controls are in accessible locations.
5. Bathroom walls are reinforced to allow later installation of grab bars.
6. Kitchens and bathrooms have space for ~~an individual~~ a person in a wheelchair to maneuver.

For purposes of this subsection, the term "covered multifamily dwellings" means: either buildings consisting of four (4) or more units if such buildings have one (1) or more elevators or ground floor units in other buildings consisting of four (4) or more units.

~~a. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators.~~

~~b. Ground floor units in other buildings consisting of four (4) or more units.~~

- (7) To fail to make reasonable accommodation to the known disability of a disabled person.
- (8) To provide services at different fee schedules between a person with a spouse and a person with registered domestic partner, or between a person with a spouse and children and a person with a registered domestic partner and children.

(f) *Discriminatory representation by real estate brokers or real estate salespersons.* For any real estate broker or real estate salesperson, property owner, rental agent, property manager, caretaker or any agent or employee thereof, for the purpose of inducing a real property transaction from which a person, that person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, marital status, status with regard to public assistance or familial status of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

(g) *Discrimination by professional organizations.* Except when based on a bona fide occupational qualification, for any professional association, because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, age, marital status, status with regard to public assistance, or familial status:

- (1) To deny full and equal membership rights to a person seeking membership or to a member.
- (2) To expel a member from membership.
- (3) To discriminate against a person seeking membership or a member with respect to the terms and conditions of membership, services and privileges associated with membership, participation in all membership activities and benefits, or any other aspect of membership.
- (4) To fail to properly classify a person seeking membership or a member with regard to the availability of membership services, cost of membership or otherwise discriminate against a person seeking membership or a member.
- (5) To fail to make reasonable accommodation to the known disability of a qualified disabled person unless the professional organization can demonstrate that the accommodation would impose an undue hardship on it.
- (6) To provide services at different fee schedules between a person with a spouse and a person with registered domestic partner, or between a person with a spouse and children and a person with a registered domestic partner and children.

(h) *Discrimination in lending.* For any person, bank, banking organization, mortgage company, insurance company, broker, underwriter or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance:

- (1) To discriminate against any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, marital status, or status with regard to public assistance or familial status in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith;

- (2) To use any form of application for such financial assistance or make any verbal or written record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any preference, limitation, specification or discrimination as to race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, marital status, or status with regard to public assistance or familial status or any intent to make any such preference, limitation, specification or discrimination;
- (3) To discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban area because of the social, economic or environmental conditions of the area in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith. All financial institutions shall post the following sign in a conspicuous place: "This institution abides by the federal, state and local laws prohibiting the denial of a mortgage or home improvement loan or the granting of a mortgage or home improvement loan on different terms, because of the conditions in the neighborhood in which the home is located. If you believe you have been discriminated against, call either of the following agencies for help: State Human Rights Department; City Civil Rights Department."
- (i) *Discrimination in public accommodations.* For any person engaged in the provision of public accommodations, ~~because of race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, marital status, or status with regard to public assistance:~~
- (1) To fail or refuse to provide to any person access to the use of and benefit from the services, privileges, advantages, accommodations and facilities of such public accommodations because of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, marital status, or status with regard to public assistance.
- (2) To discriminate against any person with respect to the availability of such services and facilities, the price or other consideration therefor, the scope and quality thereof, or the terms and conditions under which the same are made available, including terms and conditions relating to credit, payment, warranties, delivery, installation and repair because of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, marital status, or status with regard to public assistance.
- (3) To provide services at different fee schedules between a person with a spouse and a person with registered domestic partner, or between a person with a spouse and children and a person with a registered domestic partner and children because of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, marital status, or status with regard to public assistance.
- (4) To not make reasonable accommodation to the known physical, sensory, or mental disability of a person with a disability in a place of public accommodation. In determining whether an accommodation is reasonable, the factors to be considered may include:
- a. the frequency and predictability with which members of the public will be served by the accommodation at that location.
 - b. the size of the business or organization at that location with respect to physical size, annual gross revenues, and the number of employees.
 - c. the extent to which persons with disabilities will be further served from the accommodation.
 - d. the type of operation.
 - e. the nature and amount of both direct costs and legitimate indirect costs of making the accommodation and the reasonableness for that location to finance the accommodation.
 - f. the extent to which any persons may be adversely affected by the accommodation.
- (5) To subject a person or class of persons on the basis of a disability of that person or class of persons, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity of the person or class of persons to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.

- (6) To afford a person or class of persons, on the basis of the disability of that individual or class of persons, directly or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations that are not equal to those afforded to other persons.
- (7) To provide a person or class of persons, on the basis of a disability of that person or class of persons, directly or through contractual, licensing, or other arrangements, with goods, services, facilities, privileges, advantages, or accommodations that are different or separate from those provided to other individuals, unless the action is necessary to provide the individual or class of individuals with goods, services, facilities, privileges, advantages, or accommodations, or other opportunities that are as effective as those provided to others.
- (8) To not afford goods, services, facilities, privileges, advantages, and accommodations to a person with a disability in the most integrated setting appropriate to the needs of the person with a disability.
- (9) Notwithstanding the existence of separate or different programs or activities provided in accordance with subdivision 139.40(i)(5), to deny a person with a disability the opportunity to participate in the programs or activities that are not separate or different.
- (10) To, directly or through contractual or other arrangements, use standards or criteria and methods of administration that either:
 - a. Have the effect of discriminating on the basis of disability.
 - b. Perpetuate on the basis of disability the discrimination of others who are subject to common administrative control.
- (11) To impose or apply eligibility criteria that screen out or tend to screen out a person with a disability or any class of persons with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless the criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations.
- (12) To fail to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to afford the goods, services, facilities, privileges, advantages, or accommodations to persons with disabilities, unless the entity can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.
- (13) To fail to take all necessary steps to ensure that no person with a disability is excluded, denied services, segregated, or otherwise treated differently than other persons because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking the steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered and would result in an undue burden;
- (14) To fail to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles used by an establishment for transporting individuals, not including barriers that can only be removed through the retrofitting of vehicles by the installation of hydraulic or other lifts, if the removal is readily achievable.
- (15) If an entity can demonstrate that the removal of a barrier under subdivision 139.40(i)(12) is not readily achievable or cannot be considered a reasonable accommodation, to fail to make the goods, services, facilities, privileges, advantages, or accommodations available through alternative means if the means are readily achievable.
- (16) To deny any person with a disability the full and equal enjoyment of specified public transportation services provided by a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce by any of the following:
 - a. The imposition or application of eligibility criteria that screen out, or tend to screen out, an individual with a disability or a class of individuals with disabilities from fully enjoying the specified public transportation services provided by the entity, unless the criteria can be shown to be necessary for the provision of the services being offered.

- b. The failure to make reasonable modifications, provide auxiliary aids and services, and remove barriers, consistent with subdivision 139.40(i)(9) through 139.40(i)(13).
 - c. The purchase or lease of a new vehicle, other than an automobile or van with a seating capacity of fewer than eight passengers, including the driver, or an over-the-road bus, that is to be used to provide specified public transportation that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, except that a new vehicle need not be readily accessible to and usable by individuals with disabilities if the vehicle is to be used solely in a demand responsive system and if the private entity can demonstrate that the system, when viewed in its entirety, provides a level of services to individuals with disabilities equivalent to the level of service provided to the general public.
 - d. The purchase or lease a new railroad passenger car that is to be used to provide specified public transportation if the car is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, or to manufacture railroad passenger cars or purchase used cars that have been remanufactured so as to extend their usable life by ten years or more, unless the remanufactured car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, except that compliance with this clause is not required to the extent that compliance would significantly alter the historic or antiquated character of historic or antiquated railroad passenger cars or rail stations served exclusively by those cars.
 - e. The purchase or lease a new, used, or remanufactured vehicle with a seating capacity in excess of 16 passengers, including the driver, for use on a fixed route public transportation system, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. If a private entity that operates a fixed route public transportation system purchases or leases a new, used, or remanufactured vehicle with a seating capacity of 16 passengers or fewer, including the driver, for use on the system which is not readily accessible to and usable by individuals with disabilities, it is an unfair discriminatory practice for the entity to fail to operate the system so that, when viewed in its entirety, the system ensures a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities.
 - f. Failing to operate a demand responsive system so that, when viewed in its entirety, the system ensures a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities. It is an unfair discriminatory practice for the entity to purchase or lease for use on a demand responsive system a new, used, or remanufactured vehicle with a seating capacity in excess of 16 passengers, including the driver, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the entity can demonstrate that the system, when viewed in its entirety, provides a level of service to individuals with disabilities equivalent to that provided to individuals without disabilities.
- (17) To construct a new facility or station to be used in the provision of public transportation services, unless the facilities or stations are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
- (18) To fail to make alterations necessary in order, to the maximum extent feasible, to make the altered portions of facilities or stations currently used for the provision of public transportation services readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. If the private entity is undertaking an alteration that affects or could affect the usability of or access to an area of the facility containing a primary function, the entity shall make the alterations so that, to the maximum extent feasible, the path of travel to the altered area, and the bathrooms, drinking fountains, and telephones serving the altered area, are readily accessible to and usable by individuals with disabilities if the alterations to the path of travel or to the functions mentioned are not

disproportionate to the overall alterations in terms of cost and scope. The entity raising this defense has the burden of proof, and the department shall review these cases on a case-by-case basis.

For purposes of subsections 139.40(i)(5), 139.40(i)(6), and 139.40(i)(7), "person" or "class of persons" means clients or customers of the covered public accommodation that enter into the contractual, licensing, or other arrangement.

State or local building codes control where applicable. Violations of state or local building codes are not violations of this chapter and must be enforced under normal building code procedures.

Nothing in this subsection requires an entity to permit a person with a disability to participate in and benefit from the goods, services, facilities, privileges, advantages, and accommodations of the entity if the person with a disability poses a direct threat to the health or safety of others. "Direct threat" means a significant risk to the health or safety of others that can not be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services.

(j) *Discrimination in public services.* For any person engaged in the provision of public services, because of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, marital status, or status with regard to public assistance:

- (1) For any person engaged in the provision of public services, because of race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, marital status, or status with regard to public assistance to ~~to~~ discriminate against any person, in the access to, admission to, full use of or benefit from any public service.
- (2) To provide public services at different fee schedules between a person with a spouse and a person with a registered domestic partner, or between a person with a spouse and children and a person with a registered domestic partner and children.

(k) *Discrimination in educational institutions.* For any educational institution, because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, marital status, or status with regard to public assistance:

- (1) To discriminate against any person in the full use of or benefit from such institution, or the services rendered thereby to any persons because of protected class status or to fail to ensure physical or program access for disabled persons. For purposes of this paragraph, program access includes but is not limited to providing taped texts, interpreters or other methods of making orally delivered materials available, readers in libraries, adapted classroom equipment, and similar auxiliary aids or services. Program access does not include providing attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.
- (2) To exclude, expel or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student.
- (3) To make or use a written or oral inquiry, or form of application for admission that elicits or attempts to elicit information, or to make or keep a record concerning the protected class status of an applicant, except when maintained as applicant flow data in a file that is not accessible to persons making admission decisions.
- (4) To fail to make reasonable accommodations to the known disability of a qualified ~~disabled~~ person with a disability unless it can demonstrate that the accommodation would impose an undue hardship on it. In determining whether an accommodation would impose an undue hardship on the operation of an educational institution, factors to be considered include:
 - (i) ~~a.~~ The overall size of the educational institution with respect to number of students and the number and type of facilities;
 - (ii) ~~b.~~ The nature and cost of the needed accommodation;
 - (iii) ~~c.~~ The reasonable ability of the educational institution to finance the accommodation;
 - (iv) ~~d.~~ Documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the ~~disabled~~ person with a disability or with knowledgeable ~~disabled~~ persons with disabilities or disability organizations.

(l) Discrimination in business. It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service:

- (1) To refuse to do business with or provide a service to a woman based on her use of her current or former surname.
- (2) To impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname.
- (3) To intentionally refuse to do business with, to refuse to contract with, or to discriminate in the basic terms, conditions, or performance of the contract because of a person's race, national origin, color, sex, sexual orientation, or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose.

Nothing in this subsection shall prohibit positive action plans.

(m) Aiding, abetting or facilitating discrimination; reprisals related to discrimination; coercion related to housing. For any person:

- (1) To conceal or attempt to conceal any discriminatory act forbidden by this title or to aid, abet, compel, coerce, incite or induce, or attempt to induce, another person to discriminate;
- (2) To use any trick, artifice, advertisement, sign, form of application, record on inquiry or any device whatsoever to bring about or facilitate discrimination;
- (3) To engage in any reprisal, economic or otherwise, because another person opposed a discriminatory act forbidden under this title, has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this title, or has associated with a person or group of persons of a different race, color, creed, religion, ancestry, national origin, sex, affectional preference sexual orientation, status with regard to disability, age, marital status, status with regard to public assistance or familial status;
- (4) To coerce, intimidate, threaten, or interfere with any person in the exercise of or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right with regard to real estate granted or protected by subdivisions (e), (f) or (h) of this section.

Nothing in this subsection shall prohibit positive action plans.

Section 5. That Section 139.50 of the above-entitled ordinance be amended to read as follows:

139.50. Provisions required in contracts with city. (a) Required contract clauses. Unless exempted by the director, all City of Minneapolis ~~contracting agencies shall include in every city contracts shall include~~ the following provisions, specifically or by reference:

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~ sexual orientation, disability, age (forty (40) to seventy (70)), marital status, or status with regard to public assistance. The contractor will take affirmative action to ensure that all employment practices are free of such discrimination. Such employment practices include but are not limited to the following: Hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the ~~contracting agency~~ Minneapolis Department of Civil Rights ("MDCR") setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that it is an equal opportunity or affirmative action employer.

- (3) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the ~~agency contracting officer~~ MDCR, advising the labor union or workers' representative of the contractor's commitments under section 139.50 of the Minneapolis Code of Ordinances, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Title 7 of the Minneapolis Code of Ordinances, and with all rules and regulations issued by the director of the MDCR ("director") or the ~~commission~~ Minneapolis Commission on Civil Rights.
- (5) The contractor will furnish and cause each of its ~~nonexempt~~ subcontractors to furnish all information and reports by section 139.50 of the Minneapolis Code of Ordinances, and by the rules and regulations of the director or of the commission, and will permit access to its books, records and accounts by the director, the director's agent, or the commission, for purposes of investigation to ascertain compliance with the rules, regulations and provisions of Title 7.
- (6) The contractor shall take affirmative action to afford business enterprises owned and controlled by women and minorities and certified by the MDCR, or the MDCR's agent, the maximum feasible opportunity to participate in the performance of this contract and resulting subcontracts. As used in this contract, the term "business enterprise owned and controlled by women and minorities" means a business, at least fifty-one (51) per cent of which is owned and controlled by minority group members or women. For the purposes of this definition, "minority group members" are Black, Hispanic, Asian-Americans, and American Indians and Alaskan natives. This provision is not intended to limit in any manner the right of a contractor to enter into a contract with a subcontractor whose status as a business enterprise owned and controlled by women and minorities has not been determined by the ~~city~~ MDCR.
- (7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or provisions of Title 7, this contract may be canceled, terminated or suspended, in whole or in part, and the contractor may be declared ineligible by the Minneapolis city council for further city contracts in addition to other remedies as provided in Title 7. In addition, the contractor shall be liable for any costs or expenses incurred by the City of Minneapolis in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the city under this contract and for administrative costs incurred in seeking compliance. The city shall have the right to specific performance of this contract. Further, in the event there is probable cause to believe the contractor is in noncompliance with the nondiscrimination clauses of this contract or with any applicable rules or regulations, the city shall withhold up to fifteen (15) per cent of said contract ~~price~~ amount until such time as the contractor is found to be in compliance or in the event that withholding a portion of the contract ~~price~~ amount is not a feasible alternative, then liquidated damages of five hundred dollars (\$500.00) per day for each day that the director shall determine that there is probable cause to believe that the contractor is in noncompliance with this section shall be imposed, or is otherwise adjudicated to be in compliance.

~~(8)(b)~~ Noncompliance. When the ~~official empowered to monitor any affirmative action provision of any contract or part of any contract under this section 139.50-~~ director or the director's designee shall have probable cause to believe that the contractor is not in compliance with any provision of subsection (a) paragraphs (1) through (7) or with the implementing rules, regulations, provisions or plans thereto, ~~said official~~ the director or the director's designee shall notify the city department administering said contract and shall engage the contractor and the administering department in conciliation and persuasion to try to eliminate the acts or practices giving rise to such belief.

~~a:~~ Should conciliation and persuasion fail to eliminate the ~~complained-of~~ noncompliant acts or practices, ~~said official in his/her discretion~~ the director or the director's designee shall either request a hearing before the city council on the subject matter of the noncompliance or file a ~~complaint with the director of the department of civil rights~~ director's charge and refer said charge to the commission

demanding that a hearing panel of the commission on civil rights be convened to hear the complaint charge. Upon said referral, said official may request that sanctions permitted under paragraph (a)(7) of this section be immediately imposed.

(1) Hearing before city council.

- b. a. Where said official has requested a hearing before the city council, the The president may refer the matter in conformance with council procedures to the appropriate standing committee, no later than its second next regular meeting, for public hearing on the alleged noncompliance and the committee shall report its findings to the council. The council may take final action including final imposition of sanctions under paragraphs (1) through subsection (a)(7) of this subsection, direction to said official the director to obtain compliance or any other action it deems just and proper.
- e. b. Should said official the director or the director's designee have probable cause to believe that the contractor remains in noncompliance, he/she shall file a complaint with the director of the department of civil rights the director shall file a director's charge and refer said charge to the commission demanding that a hearing panel of the commission on civil rights be convened to hear the complaint. The hearing panel shall be convened as set forth in 139.50(b)(2).

(2) Hearing before a panel of the commission.

- da. Within fifteen (15) days of receiving a complaint under this section, the director of the department of civil rights shall certify the matter for hearing. The director of the department of civil rights shall assist said official referring the complaint in preparation for hearing and in conciliation prior to hearing. The hearing on the complaint director's charge shall be held within thirty (30) days of notification of the matter for hearing. The city attorney shall represent said official upon hearing the director before the commission.
- eb. The chairperson of the commission on civil rights shall appoint a three-person panel, one of whom shall be an attorney, who shall also be chairperson of the panel. The panel shall hold a public hearing on the complaint of said official director's charge and shall receive evidence pursuant to the provisions of Minnesota Statutes Section 14.60. The hearing panel shall make findings with respect to the contract, ordinance provisions, affirmative action plan or women and minority business enterprise plan. The hearing panel shall order final action including final imposition of sanctions under subsection (a) paragraphs (1) through (7) of this section.
- fc. Whenever, in the director's judgment a public hearing pursuant to this subsection (a)(8) (b)(2) will take longer than two (2) full days to complete, the director shall certify such fact to the commission and the chairpersons of the commission shall appoint a person who is a lawyer and who may or may not be a member of the commission to conduct the public hearing. In such cases, the hearing examiner shall have the same duties, obligations and powers as a hearing panel.

(9)(c) Subcontracts. The contractor will include the provisions of subsection (a) paragraphs (1) through (8)(7) in every subcontract or purchase order, specifically or by reference, unless exempted by rules, regulations or orders of the director or the commission, issued pursuant to section 139.90 chapter 141 of this title, so that such provisions will be binding upon each subcontractor or vendor.

(b)(d) Written affirmative action plan. The Neither the City of Minneapolis nor the Minneapolis Community Development Agency shall enter into contracts or subcontracts in excess of fifty thousand dollars (\$50,000.00) including contracts and agreements entered into and performed pursuant to powers granted by Minnesota Statutes, Sections 469.174 to 469.179, known as the Minnesota Tax Increment Financing Act; Minnesota Statutes, Sections 469.048 to 469.068, sometimes known as the Port Authority Act; Minnesota Statutes, Sections 469.109 to 469.123, sometimes known as the Municipal Development District Act; and Minnesota Statutes, Sections 469.152 to 469.1651, known as the Minnesota Industrial Development Act; amend any contract resulting in a cumulative contract award in excess of fifty thousand dollars (\$50,000.00) with any bidder; or prospective prime contractor or proposed subcontractor until a written affirmative action plan has been provided to approved by the director or the director's designed designee and until a the department has conducted a pre-award

compliance review has been conducted and the director or the director's designee has reported on the ability of the bidder, prospective prime contractor or proposed subcontractor to comply with the provisions of subsection (a) of this section.

Neither the City of Minneapolis nor the Minneapolis Community Development Agency shall not close on any Development Contract until a written affirmative action plan from the recipient of assistance and any prospective contractor with a contract in excess of \$50,000.00 has been approved by the director or the director's designee and until the department has conducted a pre-award compliance review.

The director or director's designee designated city staff shall, in a pre-award compliance review, examine evidence of the past performance of the bidder, prospective prime contractor or proposed subcontractor (entity under review) entity under review regarding compliance with the provisions of subsection (a) of this section which should include, but not be limited to the following factors: The record of the entity under review regarding observance of the City of Minneapolis contract compliance rules and regulations, the books, records, payrolls and other relevant documents including a list, separated by construction project or work site of all protected-class employees who worked for the entity under review during the period to be reviewed; documentary evidence of the implementation of each of the affirmative action standards set forth in the specifications and evidence demonstrating whether or not the entity under review has complied with subsection (a)(1) of this section or similar equal employment opportunity clause in contracts with any other governmental body or any other entity. The director or director's designated city staff shall have thirty (30) days after receiving notice of the proposed contract to report to city council complete the pre-award compliance review and approve or disapprove the affirmative action plan.

(c) All provisions of subsections (a) and (b) above shall also be applicable to all development contracts including contracts and agreements entered into and performed pursuant to powers granted by Minnesota Statutes, Sections 469.174 to 469.179 known as the Minnesota Tax Increment Financing Act; Minnesota Statutes, Sections 469.048 to 469.068, sometimes known as the Port Authority Act; Minnesota Statutes, Sections 469.109 to 469.123, sometimes known as the Municipal Development District Act; and Minnesota Statutes, Sections 469.152 to 469.1651, known as the Minnesota Industrial Development Act, without regard to any dollar amount of such contract, which are administered by the Minneapolis Community Development Agency, and all duties, responsibilities and functions assigned in such subdivisions to the director or commission shall, as to such contracts administered by his/her department, be exercised by the director of the Minneapolis Community Development Agency or his/her designee, provided that when any project to be administered by the director of the Minneapolis Community Development Agency will involve contracts for the development of a parcel of land on which structures exceeding thirty thousand (30,000) square feet will be built or rehabilitated, the developer and affirmative action department shall develop an affirmative action plan and a process for monitoring said affirmative action plan for such project which shall be approved by the director of the Minneapolis Community Development Agency. An approved plan must be included when the project is submitted to the council or to the Minneapolis Community Development Agency and then made part of any project specifications and contracts entered into by either the council or the agency. Contract compliance with the affirmative action plan shall be monitored by the affirmative action department and the results of such monitoring activities sent to the director or the director's designee for review. In the event of the contractor's noncompliance with the affirmative action plan, the director of the Minneapolis Community Development Agency or his/her designee may recommend to the Minneapolis City Council that sanctions authorized by subdivision (a)(7) of this section be imposed. Subsequent to the effective date of the creation of the Minneapolis Community Development Agency, the powers and duties exercised by the city coordinator with regard to section 139.50(c) shall be assumed and exercised by the director of the Minneapolis Community Development Agency, provided that the affirmative action department shall continue to carry out the function of development and monitoring of affirmative action plans as set forth in section 139.50(c).

(d)(e) Jurisdiction. With regard to development contracts including but not limited to contracts and agreements entered into and performed and projects financed pursuant to powers granted by Minnesota Statutes, Sections 460.174 to 469.179 known as the Minnesota Tax Increment Financing Act; Minnesota Statutes, Section 469.048 to 469.068, sometimes known as the Port Authority Act; Minnesota Statutes, Sections 469.109 to 469.123, sometimes known as the Municipal

Development District Act; and Minnesota Statutes, Sections 469.152 to 469.1651, known as the Minnesota Industrial Development Act; the jurisdiction of the City of Minneapolis and/or the Minneapolis Community Development Agency city under this section 139.50 shall extend for a period of three (3) years from the date of the development contract or until such longer period as may be stated in the development contract and shall include jurisdiction over owner-occupants of any project financed pursuant thereto.

Section 6. That Section 139.90 of the above-entitled ordinance be amended to read as follows:

139.90. Reporting. ~~The chief administrative officer, or his/her designee, of the department of civil rights, the affirmative action department of the Minneapolis Community Development Agency, and the women and minority business enterprise office director or the director's designee shall, at least quarterly, report to the city council as to their contract compliance activities pursuant to section 139.50. Such report shall also be made to the mayor, the Minneapolis Community Development Agency board of commissioners, and the Minneapolis Commission on Civil Rights and shall contain only matter which is classified as public data pursuant to the Minnesota Government Data Practices Act.~~

Adopted 6/16/06.

Ordinance 2006-Or-062 amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to *Civil Rights: Administration and Enforcement*, amending Sections 141.20, 141.50, and 141.80 relating to commission membership attendance requirements, disparate impact complaint procedure, correction of typographical errors, amending "affectional preference" to "sexual orientation", and subpoena power of the Director of Civil Rights, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-062
By Benson
Intro & 1st Reading: 4/14/06
Ref to: HE&E
2nd Reading: 6/16/06

Amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to Civil Rights: Administration and Enforcement.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 141.20(c) of the above-entitled ordinance be amended to read as follows:

141.20. Commission membership.

(c) *Removal and vacancies*; compensation; quorum. Any member may be removed by the appointing authority for incompetence, neglect of duty, misconduct or malfeasance. Any vacancy occasioned by resignation, death or removal shall be filled for the balance of the unexpired term in the same manner as provided for original appointment. Members of the commission shall be compensated at the rate of thirty-five dollars (\$35.00) per monthly meeting attended and further as provided in section ~~141.50(j)(2)~~ 141.50(k)(2) and (3). Nine (9) members of the commission shall constitute a quorum.

Any member who has ~~three (3) unexcused~~ four (4) absences from regular meetings in a calendar year shall automatically cease to be a member of the commission. ~~A commissioner intending to be absent from a regular meeting on account of a valid excuse shall request of the chairperson of the commission to be excused, prior to the meeting if possible. Any member appointed to a standing committee or task force who has four (4) absences from any scheduled committee or task force meeting in a calendar year shall automatically cease to be a member of the commission.~~ Any member of a hearing committee who misses two (2) public hearings to which the member has been assigned by the

chairperson of the commission without providing a substitute in any calendar year shall automatically cease to be a member of the commission.

Any time a member has been automatically removed from the commission by operation of this section, the chairperson shall immediately inform the appointing authority of the vacancy.

Section 2. That Section 141.50(m) of the above-entitled ordinance be amended to read as follows:

141.50. Procedure for complaints; investigations, conciliations, mediations, and hearings before commission.

(m) *Findings.* If the hearing committee finds that the respondent has engaged in discrimination, the hearing committee shall make written findings of fact and conclusions of law, and shall issue an order directing the respondent to cease and desist from the discriminatory act or practice found to exist, and to take such other affirmative action as in the judgment of the hearing committee will effectuate the purposes of this title. Such order shall be a final decision for purposes of appeal or enforcement. The hearing committee shall order any respondent found to be in violation of any provision of section ~~149.40~~ 139.40 to pay a civil penalty to the City of Minneapolis. This penalty is in addition to compensatory and punitive damages to be paid to an aggrieved party. The hearing committee shall determine the amount of the civil penalty to be paid, taking into account the seriousness and extent of the violation, the public harm occasioned by the violation, whether the violation was intentional, the cost of investigation incurred by the City of Minneapolis, and the financial resources of the respondent. Any penalties imposed under this provision shall be paid into the general fund of the city. In all cases, the hearing committee may order the respondent to pay an aggrieved party, who has suffered discrimination, compensatory damages in an amount up to three (3) times the actual damages sustained. In all cases, the hearing committee may also order the respondent to pay an aggrieved party, who has suffered discrimination, damages for mental anguish or suffering and reasonable attorneys fees in addition to punitive damages in an amount not more than eight thousand five hundred dollars (\$8,500.00). Punitive damages shall be awarded pursuant to Minnesota Statutes Section 549.20. In any case where a political subdivision is a respondent, the total punitive damages awarded an aggrieved party may not exceed eight thousand dollars five hundred (\$8,500.00) and in that case if there are two (2) or more respondents, the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in its capacity as a corporate entity and no regular or ex officio member of a governing body of a political subdivision shall be personally liable for the payment of punitive damages pursuant to this subdivision. In addition to the aforesaid remedies, in a case involving discrimination in:

- (1) Employment: The hearing committee may order the hiring, reinstatement or upgrading of an aggrieved party who has suffered discrimination, with or without back pay, admission or restoration to membership in a labor organization, or his or her admission to or participation in an apprenticeship training program, on-the-job training program or other retraining program, or any other relief the hearing committee deems just and equitable.
- (2) Housing: The hearing committee may order the sale, lease or rental of the housing accommodation or other real property to an aggrieved party who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker; or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the hearing committee deems just and equitable.

The hearing committee shall cause the findings of fact, conclusions of law and order to be served on the complainant and respondent personally, or by first class mail, and shall furnish copies to the director and the city attorney.

Section 3. That Section 141.50 of the above-entitled ordinance be amended by adding thereto a new subdivision (o) to read as follows:

141.50. Procedure for complaints; investigations, conciliations, mediations, and hearings before commission.

(o) If a complainant has met its burden of showing that a practice is responsible for a statistically significant adverse impact on a particular class of persons protected by section 139.40, a respondent must justify that practice by demonstrating one of the following justifications:

- (1) The practice is manifestly related to the job.
- (2) The practice is manifestly related to the product, facility or the service being offered.
- (3) The practice significantly furthers an important business purpose.

Upon establishment of this justification, the complainant may prevail upon demonstration of the existence of a comparably effective practice that the commission finds would cause a significantly lesser adverse impact on the identified protected class.

Section 4. That Section 141.80(c)(5), (6), (16) and (17) of the above-entitled ordinance be amended to read as follows:

141.80. Department of civil rights.

(c) *Appointment of director; powers and duties.* The mayor shall appoint and the council shall confirm a director of such department who shall be the head of the department and such director may appoint such other employees as may from time to time be authorized by the city council. The director shall:

- (5) *Subpoenas:* ~~Apply to the district court for subpoenas to require witnesses to appear at depositions or regularly scheduled public hearings before a hearing committee to give testimony and to bring with them for examination any books, papers or documents relative to any verified complaint which is under investigation or which is the subject matter of a public hearing. Subpoena witnesses and require the production for examination of any books, papers or documents relative to any verified charge under investigation or in question as the director deems appropriate to carry out the purposes of this title.~~
- (6) *Enforcement, effect and service of a subpoena:*
 - a. ~~Apply to the district court to punish a person who disobeys a subpoena issued at the request of by the director in like manner as a contempt proceeding is initiated in the district courts of this state.~~
 - b. ~~It is not a violation of rights conferred by chapter 13 or any other statute related to the confidentiality of government data for a city department or independent board or agency to provide data or information under a subpoena issued by the director under this section.~~
 - c. ~~A subpoena issued under this section must be served personally or by mailing a copy of the subpoena, by first class mail, postage prepaid, to the person to be served. A subpoena served by mail must include two copies of a notice and acknowledgment of service on a form to be provided by the director and a return envelope, postage prepaid, addressed to the director. If acknowledgment of service is not received by the director within 20 days, service is not effective. Unless good cause is shown for not doing so, a court or administrative law judge shall order the payment of the costs of personal service by the person served if the person does not complete and return the notice and acknowledgment of receipt of the subpoena within the time allowed.~~
- (16) *City contracts:* Adopt and promulgate, pursuant to Chapter ~~45-[14]~~ 14 of Minnesota Statutes, suitable rules and regulations that explain which city contractors and subcontractors are subject to or exempt from the provisions of section 139.50. The procedure for adopting, amending, suspending or revoking such rules and regulations shall be that procedure set out in section ~~141.04(10)~~ 141.10. Receive complaints, investigate and monitor city contractors and subcontractors to insure that they are complying with all of the terms of this title and report the director's findings to the city council.

- (17) *Issuance of charge*: Whenever the director has reason to believe that a person is engaging in an unfair discriminatory practice, the director may issue a charge stating in ordinance language an alleged violation of a particular section of section 139.40 or a violation of section 139.50.

Adopted 6/16/06.

Ordinance 2006-Or-063 amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, amending Section 15.150 amending “affectional preference” to “sexual orientation”, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-063
By Benson
Intro & 1st Reading: 4/14/06
Ref to: HE&E
2nd Reading: 6/16/06

Amending Title 2 Chapter 15 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 15.150 of the above-entitled ordinance be amended to read as follows:

15.150. Discrimination or harassment. A local official or employee shall not engage in discrimination or harassment in the workplace based on race, color, creed, religion, national origin, sex, ~~affectional preference~~, marital status, status with regard to public assistance, disability, sexual orientation or age.

Adopted 6/16/06.

Ordinance 2006-Or-064 amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending Section 172.20 amending “affectional preference” to “sexual orientation”, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-064
By Benson
Intro & 1st Reading: 4/14/06
Ref to: HE&E
2nd Reading: 6/16/06

Amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Civilian Police Review Authority.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 172.20 of the above-entitled ordinance be amended to read as follows:

172.20. Scope of authority. The review authority shall receive complaints that allege misconduct by an individual police officer or officers, including, but not limited to, the following:

- (a) Use of excessive force.
 - (b) Inappropriate language or attitude.
 - (c) Harassment.
 - (d) Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, ~~affectional preference~~, disability or age or sexual orientation.
 - (e) Theft.
 - (f) Failure to provide adequate or timely police protection.
 - (g) Retaliation for filing a complaint with the review authority.
- Adopted 6/16/06.

HE&E - Your Committee, having under consideration Green Building Standards, now recommends the following:

a. Adoption of the Leadership in Energy and Environmental Design (LEED) Standards (Petn No 271253) for all City buildings.

b. that the above recommendation be further reviewed by the Citizens Environmental Advisory Committee (CEAC), the Environmental Coordinating Team (ECT), and that it receive further City staff analysis, with a report back to the Health, Energy & Environment Committee's July 10, 2006 Meeting.

Ostrow moved that the report be amended by deleting items "a" and "b" and inserting in lieu thereof the following:

"The City Council forwards a recommendation for the adoption of the Leadership in Energy and Environmental Design (LEED) standards for all City buildings to the Citizens Environmental Advisory Committee (CEAC) and the Environmental Coordinating Team (ECT) for additional input on implementation strategies, and further forwards the recommendation to City staff for further analysis on implementation strategies. This matter shall be returned to the Health, Energy and Environment Committee on July 10, 2006 and to the City Council for final adoption of the policy and implementation strategies." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 6/16/06.

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

HE&E & W&M/Budget – Your Committee, having under consideration the City's participation in metro region public health emergency preparedness planning, now recommends that the proper City officers be authorized to amend Master Grant Agreement #19847-06 with the Minnesota Department of Health to add \$50,920 for participating in Public Health Preparedness and Response to Bioterrorism for planning and implementation of pandemic influenza activities. Further, passage of the accompanying Resolution appropriation \$50,920 to the Department of Health & Family Support.

Adopted 6/16/06.

RESOLUTION 2006R-311

By Benson and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$50,920 and increasing the Revenue Source (030-860-8621 – Source 3210) by \$50,920.

Adopted 6/16/06.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to submit a grant application to the United States Department of Health and Human Services seeking up to \$1,200,000 to support a research project to validate an automated, web-based psychosocial screening instrument for pregnant women during the period January 1, 2007 through December 31, 2011 (Petr No 271254). Project partners would include two Minneapolis clinics that are Twin Cities Healthy Start sites.

Adopted 6/16/06.

HE&E & W&M/Budget - Your Committee, having under consideration a report passed December 23, 2005 that accepted \$10,000 in grant funds for the provision of lead safe housing, now recommends that the proper City officers be authorized to execute an amended agreement with the Minnesota Health Department to accept a lesser amount of \$8,600 to support temporary removal and relocation of affected children and families to lead-safe properties and other associated costs associated with mandated lead hazard reduction activities.

Adopted 6/16/06.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for health care coverage assistance services to be provided through the New Family Center at Minneapolis Public Schools for up to two school years, contingent upon funding and performance, with confirmed funding for the first year through Local Public Health funds.

Further, that the proper City officers be authorized to evaluate the proposals received, select the successful proposal, and without further Council approval, execute a contract with the selected vendor in a total amount not to exceed \$100,000 annually, only if one response to the RFP is received.

Adopted 6/16/06.

Approved by Mayor Rybak 6/20/06.

(Published 6/22/06)

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR - Your Committee recommends passage of the accompanying resolutions granting local approval to Laws of Minnesota 2006 relating to the Minneapolis Police Relief Association (MPRA), as follows:

a) Approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 3, amending various sections of law prohibiting the re-computation of disabled benefits;

b) Approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 2, amending various sections of law related to increases in the unit value schedule for certain members with 5 to less than 20 years of service before 1/1/06; and

c) Not approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 1, amending various sections of law related to increases in MPRA Board member compensation.

Hodges moved to amend the report so as to consider each resolution separately. Seconded.

Adopted upon a voice vote 6/16/06.

IGR - Your Committee recommends passage of the accompanying resolutions granting local approval to Laws of Minnesota 2006 relating to the Minneapolis Police Relief Association (MPRA), as follows:

a) Approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 3, amending various sections of law prohibiting the re-computation of disabled benefits.

Adopted 6/16/06.

Resolution 2006R-312, approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 3 relating to the Minneapolis Police Relief Association, amending various sections of law prohibiting the re-computation of disabled benefits, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-312
By Hodges

Approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 3.

Whereas the Minnesota State Legislature has passed a law relating to the Minneapolis Police Relief Association, amending various sections of law prohibiting the re-computation of disabled benefits; and

Whereas, said law, by its terms requires an affirmative vote of a majority of the members of the City Council by January 3, 2007 before it may become effective; and

Whereas, the City Council would like to recognize that this legislation shifts increased cost onto the Internal Revenue Service; and

Whereas, the City Council would like to recognize that enactment of this legislation allows disabled police members to continue to be considered disabled longer and thereby retain some advantage under the federal Internal Revenue Code, the disability exclusion; and

Whereas, the State Legislature approved said legislation; and

Whereas, the City Council approved similar legislation for Minneapolis Firefighters' Relief Association in 2005;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 6/16/06.

IGR - Your Committee recommends passage of the accompanying resolutions granting local approval to Laws of Minnesota 2006 relating to the Minneapolis Police Relief Association (MPRA), as follows:

b) Approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 2, amending various sections of law related to increases in the unit value schedule for certain members with 5 to less than 20 years of service before 1/1/06.

Adopted 6/16/06.

Resolution 2006R-313, approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 2 relating to the Minneapolis Police Relief Association, amending various sections of law related to increases in the unit value schedule for certain members with five to less than twenty years of service before 1/1/06, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-313
By Hodges

Approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 2.

Whereas the Minnesota State Legislature has passed a law relating to the Minneapolis Police Relief Association, amending various sections of law related to increases in the unit value schedule for certain members with five to less than twenty years of service before January 1, 2006; and

Whereas, said law, by its terms requires an affirmative vote of a majority of the members of the City Council by January 3, 2007 before it may become effective;

Whereas the increased cost of this provision in the first year for six members is \$3100;

Now, Therefore, Be It Resolved by The City Council of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 6/16/06.

IGR - Your Committee recommends passage of the accompanying resolutions granting local approval to Laws of Minnesota 2006 relating to the Minneapolis Police Relief Association (MPRA), as follows:

c) Not approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 1, amending various sections of law related to increases in MPRA Board member compensation.

Adopted 6/16/06. Yeas, 10; Nays, 3 as follows:

Yeas - Remington, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden.

Nays - Benson, Colvin Roy, Johnson.

Resolution 2006R-314, not approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 1 relating to the Minneapolis Police Relief Association (MPRA), amending various sections of law related to fund disbursements and specifically, increasing MPRA Board member compensation, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-314

By Hodges

Not approving Laws of Minnesota 2006, Chapter 271, Article 9, Section 1.

Whereas the Minnesota State Legislature has passed a law relating to the Minneapolis Police Relief Association, amending various sections of law related to fund disbursements; and

Whereas, said law, by its terms requires an affirmative vote of a majority of the members of the City Council by January 3, 2007, before it may become effective; and

Whereas, said law, authorizes that the police pension fund may be used for the payment of salaries of the elected members of the board of trustees in an amount not to exceed seven units (approximately \$7200 annually) for the president and five units (approximately \$5200 annually per person) for five elected board members, from a previous payment of three units (\$3100 annually per person) for an overall effect on the fund of \$33,000 which includes this \$14,500 increase; and

Whereas, board members of other pension funds including Public Employees Retirement Association, Minneapolis Employees Retirement Fund, Teachers' Retirement Association, and Minneapolis Teachers Retirement Fund Association are not compensated for their service; and

Whereas, only Minnesota State Retirement System board members who are not state employees are compensated at a rate of \$55 per meeting; and

Whereas, the only other pension board members in the state receiving compensation are the secretary and president of the City Relief Board for Fire in Virginia, MN, at a rate of \$45 per month for their service;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law not be approved.

Adopted 6/16/06. Yeas, 10; Nays, 3 as follows:

Yeas - Remington, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden.

Nays - Benson, Colvin Roy, Johnson.

IGR - Your Committee recommends passage of the accompanying resolution granting local approval to Laws of Minnesota 2006, Chapter 259, Article 10, Section 14, relating homeless prevention that was included in the 2006 omnibus tax act.

Adopted 6/16/06.

Resolution 2006R-315, approving Laws of Minnesota 2006, Chapter 259, Article 10, Section 14 relating to the establishment of a homeless assistance tax increment district, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-315

By Hodges

Approving Laws of Minnesota 2006, Chapter 259, Article 10, Section 14.

Whereas, the Minnesota State Legislature has passed a law relating to the establishment of a homeless assistance tax increment district; and

Whereas, said law, by its terms, requires an affirmative vote of a majority of the members of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 6/16/06.

IGR - Your Committee recommends passage of the accompanying resolution granting local approval to Laws of Minnesota 2006, Chapter 210, Section 8, relating to the issuance of liquor licenses to the Minnesota Book and Literary Arts Building, Inc.'s concessionaire or operator, for a restaurant and catering operator on the premises of the Minnesota Book and Literary Arts Building, Inc (d/b/a Open Book), and to a restaurant at 5411 Penn Ave S.

Adopted 6/16/06.

Resolution 2006R-316, approving Laws of Minnesota 2006, Chapter 210, Section 8 relating liquor and the issuance of certain licenses within the City of Minneapolis specifically for Minnesota Book and Literary Arts Building, Inc.'s concessionaire or operator, for a restaurant and catering operator on the premises of the Minnesota Book and Literary Arts Building, Inc (d/b/a Open Book), and to a restaurant at 5411 Penn Ave S, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-316

By Hodges

Approving Laws of Minnesota 2006, Chapter 210, Section 8.

Whereas, the Minnesota State Legislature has passed a law relating liquor and the issuance of certain licenses within the City of Minneapolis; and

Whereas, said law, by its terms, requires an affirmative vote of a majority of the members of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 6/16/06.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, specifying that the boarding and securing of qualifying buildings pursuant to Chapter 249 be inclusive of all openings to a building in addition to the first story and ground floor openings, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/16/06.

Ordinance 2006-Or-065 amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, amending Section 249.25 to specify that the boarding and securing of qualifying buildings pursuant to Chapter 249 be inclusive of all openings to a building in addition to the first story and ground floor openings, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-065

By Schiff

Intro & 1st Reading: 5/12/06

Ref to: PS&RS

2nd Reading: 6/16/06

Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 249.25(a) of the above-entitled ordinance be amended to read as follows:

249.25. Securing vacant buildings. (a) In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the director of inspections may order the building secured and shall cause notice of the order to be served upon the owner of the premises. Such notice may be served personally or by mail. Service by mail is complete upon mailing a copy of the order to the owner at the last known address. If the owner fails to comply with the order within six (6) days after the order is served, the director of inspections shall cause the building to be boarded up or otherwise properly secured. Whenever a building is boarded up pursuant to the authority of this chapter, the director of inspections may cause all openings to the building to be boarded and secured.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of 80 S 8th St Hotel Operations Inc, dba Marquette Hotel, 710 Marquette Av, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises to allow outdoor seating area on private property along Marquette Av) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of J D Hoyts Inc, dba J D Hoyts, 301 Washington Av N, for an On-Sale Liquor Class C-2 with Sunday Sales License (expansion of premises to allow outdoor seating on private property) to expire October 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of Lela Inc, dba Lyndale Grocery & Deli, 2551 Lyndale Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of Birchwood Cafe Inc, dba Birchwood Cafe, 3311 E 25th St, for an On-Sale Wine Class D with Strong Beer License (upgrade from On-Sale Wine Class E with Strong Beer) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of Seville Operations LLC, dba Seville Club, 15 Glenwood Av N, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises – sidewalk cafe) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S, for an On-Sale Liquor Class A with Sunday Sales License (permanent expansion of premises for outdoor patio) to expire July 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of Trans Global T Inc, dba Bombay Bistro, 820 Marquette Av, for an On-Sale Liquor Class E with Sunday Sales License (change from On-Sale Wine Class E with Strong Beer) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of Twin Wings of Minneapolis LLC, dba Hooters, 600 Hennepin Av #250, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. that copies of the closing documents associated with the sale of a property located at 92 43rd Av NE, Fridley, Minnesota, shall be submitted to the Minneapolis Police License Investigation Division on August 4, 2006, as more fully set forth in Petn No 271263 on file in the Office of the City Clerk.

b. In the event that the above-mentioned documents cannot be delivered to the Minneapolis Police License Investigation Division by August 4, 2006, Hooters agrees to deliver documents to the Minneapolis Police License Investigation Division indicating approval of a commercial bank loan/line of credit of no less than \$500,000 on August 4, 2006.

c. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/16/06. Yeas, 10; Nays, 3 as follows:

Yeas – Remington, Benson, Goodman, Hodges, Samuels, Ostrow, Lilligren, Colvin Roy, Glidden, Johnson.

Nays – Gordon, Hofstede, Schiff.

PS&RS - Your Committee, having under consideration the application of PCF 25 Corporation, dba Central Ave Liquors, 2538 Central Av NE, for an Off-Sale Liquor License (change in ownership) to expire January 1, 2007, now recommends that said license be granted, subject to the following conditions:

- a. that no sales of single bottles or cans of beer/malt liquor 16 ounces in size or less will occur.
 - b. that sales of inexpensive fortified wines in half-pint or pint (or their metric equivalent) will occur.
 - c. that change in excess of \$3 will not be accepted for any beverage alcohol purchase.
 - d. final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted 6/16/06.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of More Valu Foods, 2600 Cedar Av, for Grocery, Meat Market, Food Manufacturer and Tobacco Dealer Licenses, subject to conditions.

Adopted 6/16/06.

Resolution 2006R-317, granting the application of More Valu Foods, 2600 Cedar Av, for Grocery, Meat Market, Food Manufacturer and Tobacco Dealer licenses, subject to certain conditions, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-317

By Samuels

Granting the application of More Valu Foods, 2600 Cedar Av, for Grocery, Meat Market, Food Manufacturer and Tobacco Dealer Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Saraleen Food Inc, dba More Valu Foods, 2600 Cedar Av, for Grocery, Meat Market, Food Manufacturer and Tobacco Dealer Licenses (new proprietor) to expire April 1, 2007, subject to the following conditions:

1. The licensee shall remove all exterior pay phones from the business by June 30, 2006.
2. The licensee shall comply with the surveillance camera ordinance and acknowledges the receipt of the ordinance and policies.
3. "No Trespassing" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
4. The licensee will create a system for issuing and tracking 90-day "No Trespass Notices", complete with pictures of trespassed people.
5. The licensee agrees not to sell items commonly used by drug users and drug dealers. These items include glass pipes (sometimes they have plastic roses inside), "Brillo pads" or "Chore Boy", small zip lock type baggies, dice, tobacco rolling papers, single razor blades and blunt cigars.
6. The licensee will not supply matches to non-tobacco customers.
7. Sale of single cigarettes and to minors under the age of 18 is prohibited.
8. the licensee shall keep all lights properly functioning and will add lights if recommended by the Police Department, CCP-SAFE, or the Licenses Division.
9. Noise from the business will be kept to a minimum.
10. All property and public areas within 100 feet of the property lines shall be patrolled daily for litter and debris control.
11. Windows must be kept 70% clear of all signs. The 70% shall be within the 3 foot to 6 foot height range.
12. The business will have a minimum of two employees working at all times. One employee shall monitor the exterior of the business and request persons not patronizing the business to leave and call 911 if they do not comply.
13. Temporary signs cannot be placed on fences, building side walls, etc, without a permit.
14. The dumpster shall be screened, maintained with a tight fitting cover, and regularly maintained to prevent overflowing.

15. Snow shall be removed from sidewalks, both private and public, within four hours of a snow event.

16. Grass and weeds shall be cut so they are maintained less than 8 inches in height.

17. Licenses shall be renewed by the expiration date.

18. The interior of the store shall be kept clean at all times.

19. The licensee shall instruct all trucks making deliveries to do so by parking on 26th Avenue and not use the alley.

20. The licensee agrees to provide security (off-duty police or if unavailable armed security) during the following hours: eight hours from Sunday to Thursday on different days each week, and Friday and Saturdays from 2:00 p.m. to closing. This condition will be reviewed after one year to be considered for removal as a condition.

21. The licensee understands that they cannot use the parking lot across the alley for customer or employee parking.

22. The licensee agrees to pay for three permanent speed bumps in the alley.

23. The licensee understands that the site plan review requires they have plants in the planters and maintain them throughout the summer months.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration license applications submitted by Paul's Bobby & Steve's Auto World LLC, dba Paul's Bobby & Steve's Auto World, 5801 Nicollet Av, now recommends that the following licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

a. Off-Sale Beer (new business), to expire April 1, 2007

b. Grocery (new business), to expire April 1, 2007

c. Restaurant (new business), to expire April 1, 2007

d. Tobacco Dealer (new business), to expire April 1, 2007

e. Gasoline Filling Station (new business), to expire September 1, 2006

f. Motor Vehicle Repair Garage with Accessory Use (new business), to expire September 1, 2006

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06)

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 6/16/06.

Resolution 2006R-318, granting Liquor, Wine and Beer licenses, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-318

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class A with Sunday Sales, to expire June 25, 2006

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (temporary expansion of premises with entertainment, June 23, 2006 9:00 p.m. to 2:00 a.m.; June 24, 2006 9:00 a.m. to 2:00 a.m.; and June 25, 2006 5:00 p.m. to 2:00 a.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2007

Keegan Pubs Inc, dba Keegan Pub, 16 University Av NE (4th of July Celebration July 4, 2006, 5:00 p.m. to Midnight)

Temporary On-Sale Liquor

Basilica of St Mary, dba Basilica of St Mary, 88 17th St N (Basilica Block Party with entertainment July 7 & 8, 2006, 5:00 p.m. to 10:30 p.m.).

Adopted 6/16/06.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 6/16/06.

Resolution 2006R-319, granting applications for Business licenses, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-319

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of June 16, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 271264):

Car Wash; Dancing School; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Caterers; Confectionery; Food Market Distributor; Farm Produce Permits; Farm Produce Permit Nonprofit; Grocery; Food Manufacturer; Food Market Manufacturer; Meat Market; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Repair Garage; Pawnbroker Class A; Peddler – Foot; Plumber; Public Market; Secondhand Goods Class B; Antique Mall Operator Class B; Solicitor - Individual; Swimming Pool – Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Tobacco Dealer; Combined Trades; Tree Servicing; and Valet Parking.

Adopted 6/16/06.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 6/16/06.

Resolution 2006R-320, granting applications for Gambling licenses, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-320

By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class B

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 2507 E 25th St (One-day Off Site Raffle June 25, 2006 at Eagles Club, 2507 E 25th St)

Edison Youth Hockey Association, dba Edison Youth Hockey, 1306 Central Av NE (Site: Whiskey Junction, 901 Cedar Av)

Edison Youth Hockey Association, dba Edison Youth Hockey Association, 3523 Edward St NE (Site: Sullys Pub, 2519 Central Av NE)

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Site: 1029 Bar, 1029 Marshall St NE)

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Site: Champions Saloon 7 Eatery, 105 W Lake St)

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Av NE (Site: Vegas Lounge, 965 Central Av NE)

Edison Community Sports Foundation, dba Edison Sports Foundation, 700 22nd Av NE (Site: Spring Street Bar & Grill, 355 Monroe St).

Gambling Lawful Exempt

Miss Minnesota Education Foundation, dba Miss Minnesota Education Foundation, 3010 Hennepin Av (Ted Mann Concert Hall Raffle Drawing June 17, 2006 at 2128 S 4th St)

Hellenic Post No 129 American Legion, dba Hellenic Post No 129 American Legion, 2727 26th Av S (Raffle September 10, 2006 at St. Marys Greek Orthodox Church)

Make A Wish Foundation of Minnesota, dba Make a Wish Foundation of Minnesota, 615 1st Av NE (Raffle November 12, 2006 at International Market Square, 275 Market St)

Goldbricks Club, dba Goldbricks Club, 1828 4th St NE (Raffle June 11, 2006 at Northeast Neighborhood Building, 1700 2nd St NE)

Smile Network International, dba Smile Network International, 1807 Colfax Av S (Raffle May 27, 2006 at Theatre De La Jeune Lune, 101 N 1st St).

Adopted 6/16/06.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Technical Advisory Committee recommendations relating to the Off-Sale Beer License held by Super Stop 2, 2951 Central Av NE.

Adopted 6/16/06.

Resolution 2006R-321, approving Technical Advisory Committee recommendations relating to the Off-Sale Beer License held by Super Stop 2, 2951 Central Av NE, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-321

By Samuels

Approving Technical Advisory Committee recommendations relating to the Off-Sale Beer License held by Super Stop 2, 2951 Central Av NE.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on May 10, 2006 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of

less than 13 months, employees of Super Stop 2 sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statute, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Off-Sale Beer License, issued to Super Stop 2 shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including May 26, 2007 subject to full compliance with the following conditions, and in accordance with the said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

1. Super Stop 2 will surrender its Off-Sale Beer License and withdraw its application for the license in person at Room 1 of City Hall. This surrender and withdrawal will take effect at Noon on May 17, 2006. No beer sales may be made after this time and date.

2. Super Stop 2 will not reapply for an Off-Sale Beer License until May 26, 2007.

3. Super Stop 2 will pay the outstanding \$1,650 in administrative fines from the failed youth alcohol compliance checks. This includes a 10% late penalty for failing to resolve the outstanding citations from the April 11, 2006 and May 26, 2005 failed youth alcohol compliance checks within 20 days of service of the citation.

4. Super Stop 2 will pay \$1,000 in financial sanctions to the City.

5. Super Stop 2 owes a total \$2650 in fines and financial sanctions to the City. Super Stop 2 will satisfy this outstanding balance by making two payments of \$1325.00. on the following dates: Monday June 12, 2006; and Monday July 10, 2006

6. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

7. The licensee will be subject to additional compliance checks during the term of this Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee and, if asked, will present their actual duly-issued age identification.

8. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.

This Agreement shall remain in effect through and including May 26, 2007. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 6/16/06.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Technical Advisory Committee recommendations relating to the On-Sale Wine with Strong Beer License held by El Gaucho, 2401 E Franklin Av.

Adopted 6/16/06.

Resolution 2006R-322, approving Technical Advisory Committee recommendations relating to the On-Sale Wine with Strong Beer License held by El Gaucho, 2401 E Franklin Av, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-322

By Samuels

Approving Technical Advisory Committee recommendations relating to the On-Sale Wine with Strong Beer License held by El Gaucho, 2401 E Franklin Av.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on May 22, 2006 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 13 months, employees of El Gaucho sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statute, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the On-Sale Wine with Strong Beer License, issued to El Gaucho shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including February 26, 2008, subject to full compliance with the following conditions, and in accordance with the said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

1. It is strongly suggested that El Gaucho require all customers who purchase alcohol to produce identification as listed in Minnesota Statute Section 340A.503, subdivision 6.

El Gaucho has full knowledge of the consequences regarding any future incidents involving sale of alcohol to minors and understands that such incidents could lead to a revocation of their On-Sale Wine with Strong Beer License. El Gaucho agrees to take any necessary steps to assure persons under the age of 21 are properly identified when alcohol purchases are made.

2. El Gaucho will pay \$2,000 in financial sanctions to the City.

3. El Gaucho will pay the outstanding \$1,000 administrative fine from the April 26, 2006 youth alcohol compliance failure.

4. Payment of the above referenced fine (as documented in recommendation number 3) and financial sanctions (as documented in recommendation number 2) will be made over a period of six months. Payment of \$500 must be made prior to 2:00 p.m. on each of the following dates: Monday June 19, 2006; Wednesday July 19, 2006; Monday August 21, 2006; Tuesday September 19, 2006; Thursday October 19, 2006; and Monday November 20, 2006.

5. The On-Sale Wine with Strong Beer License of El Gaucho is suspended for a period of 10 days. Imposition of 8 days of suspension will be stayed and 2 days will be imposed. The date of this suspension has been chosen by El Gaucho and will include June 5, 2006 and June 6, 2006. Should the licensee violate any provision of this Agreement while it is in effect it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period as well as the potential commencement of license revocation proceedings.

6. All El Gaucho employees will attend professionally-presented alcohol server training. This training program must be approved by the City of Minneapolis Office of Licenses and Consumer Services. All managers and owners who participate in the day-to-day operations of the business will attend a retail alcohol management course. This training program must be approved by the City of Minneapolis Office of Licenses and Consumer Services. This training must be completed within 30 days of the date of the effective date of this Agreement. Proof of completion of training must be provided to the Minneapolis Police License Investigation Division within 35 days of the date of this Agreement. All employees, managers or owners hired or brought into the business after this initial training must attend an approved training class within thirty days of hire or approval as business owner.

7. A properly trained manager or owner must be on-site during business hours at all times.

8. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

9. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee and, if asked, will present their actual duly-issued age identification.

10. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.

11. This Agreement shall remain in effect through and including February 16, 2006. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.
Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the application of Gas It 4 Less Food and Fuel Inc, dba Kuick Mart, 4653 Chicago Av, for Grocery and Tobacco Dealer Licenses (new proprietor) to expire April 1, 2007, and having held a license hearing thereon, now recommends that said license applications be denied.
Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the rental dwelling license for the properties located at 1162 14th Av SE, 1038 19th Av SE, and 1049 24th Av SE held by Mei Jen Chen, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental License Board of Appeals hearing held on May 9, 2006 that concluded that Mei Jen Chen has previously had interests in two rental dwelling licenses that were revoked, pursuant to Chapter 244 of the Code of Ordinances, and that by operation of the ordinance, Mei Jen Chen is ineligible to hold or have an interest in any subsequent rental dwelling license issued by the City of Minneapolis for a period of five years as measured from the effective date of the second qualifying license revocation, now recommends concurrence with the following recommendations of the Board, as more fully set forth in said Findings on file in the Office of the City Clerk, which are hereby made a part of this report by reference:

- a. that the rental dwelling licenses held by Mei Jen Chen for the properties located at 1162 14th Av SE, 1038 19th Av SE and 1049 24th AV SE be revoked.
- b. that Mei Jen Chen be deemed ineligible to hold or have an interest in a rental dwelling license issued by the City of Minneapolis until March 4, 2011.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the property located at 2509 Girard Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as the South 38 feet of the East 90 feet of Lot 5; and the East 90 feet of Lot 6, Block 43, Highland Park Addition to Minneapolis (PID #16-029-24-12-01-81), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration the property located at 428 31st Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as the West 41 feet of Lots 7 and 8, Block 7, Morrison's Addition to North Minneapolis (PID #10-029-24-32-0164), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/16/06.

PS&RS - Your Committee, having under consideration license applications submitted by RWB Minneapolis Catering LLC, dba Chefs Production, 600 1st Av N, now recommends that the following licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

- a. Off-Sale Liquor (change in ownership), to expire July 1, 2006
- b. On-Sale Liquor Class A with Sunday Sales (change in ownership), to expire July 1, 2006.

Adopted 6/16/06.

PS&RS - Your Committee recommends acceptance of only bid received on OP #6629 (Petr No 271265) submitted by ShotSpotter, Inc., in the amount of \$325,600, for furnishing and delivering all labor, materials, equipment and incidentals necessary to provide a complete gun fire detection and location turnkey system for the Minneapolis BIS Department, all in accordance with City specifications.

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06)

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Agreement with the Minnesota Department of Public Safety to provide bomb disposal services to other jurisdictions within the State, as needed, and to be reimbursed for these services at a rate of \$175 per hour. Further, passage of the accompanying Resolution appropriating \$27,000 to the Police Department.

Adopted 6/16/06.

RESOLUTION 2006R-323
By Samuels and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the General Fund (010-400-C005) by \$27,000 and increasing the Revenue Source (010-400-C005 – Source 3455) by \$27,000.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$250,000 and execute a grant agreement with the Minnesota Department of Public Safety to support the collaborative Child Development Policing Program to support children witnessing violence in their environment. Further, passage of the accompanying Resolution appropriating \$250,000 to the Police Department.

Adopted 6/16/06.

RESOLUTION 2006R-324
By Samuels and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (030-400-E001) by \$250,000 and increasing the Revenue Source (030-400-E001 – Source 3210) by \$250,000.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee, having under consideration the 2005 Buffer Zone Protection Program, now recommends that the proper City officers be authorized to execute an amended grant agreement to extend the grant period until all of the awarded \$387,024 in funds are expended. Said grant reimburses qualifying expenses incurred by the Police Department for homeland and buffer zone security.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee, having under consideration the Central Weed and Seed Program, now recommends that the proper City officers be authorized to amend the contract with Pillsbury United Communities to decrease the grant award by \$10,252 allocated for overtime or other policing services in order to share law enforcement and crime prevention responsibility with the Park and Recreation Board. Further, passage of the accompanying Resolution decreasing the appropriation to the Police Department.

Adopted 6/16/06.

RESOLUTION 2006R-325

By Samuels and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by decreasing the appropriation for the Police Department Agency in the Grants – Federal Fund (030-400-P300) by \$10,252 and decreasing the Revenue Source (030-400-P300 – Source 3210) by \$10,252.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee, having under consideration the SafeZone Collaborative—Downtown, now recommends that the proper City officers be authorized to accept a donation of \$60,000 from US Bancorp for the sole purpose of use for the SafeZone Collaborative—Downtown 2006 Administrative Budget, which will then be allocated to the Minneapolis Building Owners and Managers Association, who is acting as the SafeZone Collaborative—Downtown Fiscal Agent.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee, having under consideration the Auto Theft Prevention Bait Vehicle Program, now recommends that the proper City officers be authorized to accept a 1999 Honda Civic from State Farm Mutual Auto INSCO, with an estimated value of \$900, to enhance the Bait Vehicle Program.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minnesota Department of Public Safety to receive \$1,533,000 for increased patrol and law enforcement in Downtown Minneapolis; and to execute sub-recipient agreements with State, Regional, County and Local Law Enforcement Agencies to assist with said enforcement. Further, passage of the accompanying Resolution appropriating \$1,533,000 to the Police Department.

Adopted 6/16/06.

RESOLUTION 2006R-326

By Samuels and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (060-400-P613) by \$1,533,000 and increasing the Revenue Source (060-400-P613 – Source 3215) by \$1,533,000.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for a Pre-Service Law Enforcement Training Course that meets State

licensing standards that the Police Department would conduct when hiring candidates with a diverse non-law enforcement background.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee, having under consideration the Criminal Justice Coordinating Committee, now recommends that the proper City officers be authorized to execute an amendment to the agreement with Hennepin County to extend the term of the agreement to January 31, 2010.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept an anonymous donation of \$200 made in response to cuts in Local Government Aid. Said donation shall specifically be allocated as follows: \$75 to the Police Department; \$75 to the Fire Department; and \$50 to the Department of Public Works.

Adopted 6/16/06.

PS&RS & W&M/Budget - Your Committee, having under consideration budget adjustments to the 2003 Homeland Security & Exercise Grant, now recommends passage of the accompanying Resolution adjusting appropriations for the Fire and Public Works Departments to appropriately pay for the remaining grant expenditures, ending June 30, 2006.

Adopted 6/16/06.

RESOLUTION 2006R-327

By Samuels and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2800) by \$119,020.

b. decreasing the appropriation for the Public Works Agency in the Grants – Federal Fund (030-923-9242) by \$119,020.

Adopted 6/16/06.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the sale of 1306 Central Ave NE (also known as the Edison Hockey Arena) to the Minneapolis Park & Recreation Board for approximately \$710,000, and having held a public hearing thereon, now recommends passage of the accompanying resolution approving the sale and authorizing the proper City officers to execute a purchase agreement, Quit Claim Deed, and any other documents necessary to complete the sale transaction.

Adopted 6/16/06.

Resolution 2006R-328, approving the sale of 1306 Central Ave NE to the Minneapolis Park and Recreation Board, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-328

By Colvin Roy

Approving the sale of 1306 Central Ave NE to the Minneapolis Park and Recreation Board.

Resolved by The City Council of The City of Minneapolis:

That the City-owned property located at 1306 Central Avenue NE (also known as the Edison Hockey Arena, legally described as part of Blocks 2, 3 and 9, Johnsons Second Addition to City of St Anthony) be sold to the Minneapolis Park and Recreation Board (MPRB) for approximately \$710,000, according to the terms of the purchase agreement.

Be It Further Resolved that the proper City officers and staff be authorized to execute a purchase agreement, a Quit Claim Deed, and any other documents necessary to complete this transaction.

Adopted 6/16/06.

T&PW - Your Committee, having under consideration the construction of new Fire Station No. 14 (2002 Lowry Av), now recommends that the proper City officers be authorized to execute Change Order No. 4, increasing Contract No. C-21859 with Rochon Corporation by \$90,964, for a revised contract total of \$3,365,068, to provide for construction contingencies provided as part of the original project budget. No additional appropriation required.

Adopted 6/16/06.

T&PW - Your Committee, having under consideration the layout for the Lyndale Avenue South Project (31st St W to westbound Minnehaha Pkwy), now recommends passage of the accompanying resolution supporting the request of Hennepin County to seek a variance to the Minnesota Department of Transportation (MnDOT) State Aid Standards for parking lane widths from ten (10) feet to nine (9) feet for the portion of Lyndale Av S between W 38th St and W 50th St.

Adopted 6/16/06.

Resolution 2006R-329, supporting the Hennepin County variance request to the Minnesota Department of Transportation for State Aid Standards for a parking lane width of nine (9) feet for the portion of Lyndale Av S between W 38th and W 50th Sts, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-329

By Colvin Roy

Encouraging a strong pedestrian realm and retention of the urban forest and green space within the Lyndale Avenue South Reconstruction Project (31st St W to westbound Minnehaha Pkwy).

Whereas, Lyndale Avenue South is a vital asset to the City of Minneapolis as more than a transportation corridor, and the work with the community has made us aware of the need to maintain the current roadway width or narrow it when possible;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City will actively support the Hennepin County variance request to the Minnesota Department of Transportation for State Aid Standards for a parking lane width of nine (9) feet, versus the standard ten (10) feet, for the portion of Lyndale Av S between W 38th St and W 50th St, to maintain and encourage a strong pedestrian realm within the Lyndale Avenue South right-of-way.

Adopted 6/16/06.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Lynnhurst (Northwest area) Street Renovation Project, Special Improvement of Existing Street No. 2987.

Adopted 6/16/06.

Resolution 2006R-330, designating the improvement of certain existing streets in the Lynnhurst (northwest area) Street Renovation Project, special improvement of existing street No 2987, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-330

By Colvin Roy

**LYNNHURST (NORTHWEST AREA) STREET RENOVATION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2987**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by mill and overlay of street surface with plant mix asphalt with selected concrete curb and gutter, and including other paving-related improvements as needed:

- 47th and 48th Sts W from Xerxes Av S to Lake Harriet Parkway W;
 - 49th St W from Xerxes Av S to Penn Av S;
 - Penn, Queen, Russell, Sheridan and Thomas Avs S from Lake Harriet Parkway W to 50th St W;
- and
- Vincent and Washburn Avs S from 47th St W to 50th St W.

Adopted 6/16/06.

T&PW - Your Committee, having received a cost estimate of \$2,386,250 for street renovation improvements and a list of benefited properties for certain locations in the Lynnhurst (Northwest area) Street Renovation Project, Special Improvement of Existing Street No. 2987, as designated by Resolution 2006R-330, passed June 16, 2006, now recommends that the City Engineer be directed to prepare a proposed Street Renovation Special Improvement Assessment against the list of benefited properties by applying the 2006 Uniform Assessment Rates as per Resolution 2005R-691, passed December 23, 2005.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on July 11, 2006 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the renovation of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/16/06.

T&PW - Your Committee, having under consideration the draft Environmental Impact Statement (EIS) regarding the Central Corridor Project, and having submitted draft comments to the Ramsey County Regional Railroad Authority (RCRRA) by the June 5, 2006 deadline, now recommends approval of the summary comments and final detailed comments on the draft EIS, as set forth in Petn. No. 271273, and authorizing the proper City officers to submit said final comments to the RCRRA.

Adopted 6/16/06.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Amendment No. 1, increasing Contract No. 21870 with J. Fletcher Creamer and Son, Inc. by \$383,500, for a revised contract total of \$1,831,296.50, to allow for the addition of 26,000 feet of cast iron water main to be cleaned and lined during 2006. Funds are available within the existing project budget.

Adopted 6/16/06.

T&PW & W&M/Budget - Your Committee, having under consideration the 2006 Alley Resurfacing Program, Special Improvement of Existing Alleys No. FS06#1, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments in the amount of \$78,000.31 for the project; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis assessment bonds in the amount of \$78,000 for the project.

Adopted 6/16/06.

Resolution 2006R-331, ordering the work to proceed and adopting the special assessments for the 2006 Alley Resurfacing Program, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-331
By Colvin Roy and Ostrow

2006 ALLEY RESURFACING PROGRAM
SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO FS06#1

Ordering the work to proceed and adopting the special assessments for the 2006 Alley Resurfacing Program.

Whereas, a public hearing was held on June 6, 2006 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2006R-232, passed April 28, 2006 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2006R-232, passed April 28, 2006.

Be It Further Resolved that the proposed special assessments in the total amount of \$78,000.31, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for alley resurfacing of more than \$150 may be paid, shall be fixed at five (5) and that the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2007 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessments bonds are sold for with collection of the special assessments on the 2007 real estate tax statement.

Adopted 6/16/06.

Resolution 2006R-332, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$78,000 for the 2006 Alley Resurfacing Program, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-332
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$78,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the 2006 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS06#1, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/16/06.

T&PW & W&M/Budget - Your Committee, having under consideration the installation of advertising in City-owned parking ramps and adjoining skyway-level walkways, now recommends that the proper City officers be authorized to approve the inclusion of alternative types of advertising, in conjunction with backlit ad panel units, in the agreement with CityLitesUSA in order to provide additional revenue-producing opportunities.

Adopted 6/16/06.

T&PW & W&M/Budget - Your Committee, having under consideration the Traffic Signal Indication LED Conversion Program, now recommends passage of the accompanying resolution increasing the appropriation and revenue for the program by \$143,000, to be reimbursed by Xcel Energy Utility Company rebate funds designated for energy consumption reduction programs.

Adopted 6/16/06.

RESOLUTION 2006R-333
By Colvin Roy and Ostrow

Amending The 2006 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440 TR604040) by \$143,000 and increasing the revenue source (4100-943-9440-3755) by \$143,000, to be reimbursed by Xcel Energy Utility Company rebate funds.

Adopted 6/16/06.

T&PW & W&M/Budget - Your Committee, having under consideration the Priority Vehicle Control System, now recommends passage of the accompanying resolution increasing the appropriation and revenue for the system by \$176,555.81, to be reimbursed by Federal ISTEA funding from the Minnesota Department of Transportation.

Adopted 6/16/06.

RESOLUTION 2006R-334
By Colvin Roy and Ostrow

Amending The 2006 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$176,555.81 and increasing the revenue source (4100-943-9440-3210) by \$176,555.81, to be reimbursed by Federal ISTEA funding from the Minnesota Department of Transportation.

Adopted 6/16/06.

T&PW & W&M/Budget - Your Committee, having under consideration the Biennial Routine Maintenance Agreement (No. 84594) between the State of Minnesota Department of Transportation and the City of Minneapolis, now recommends that the proper City officers be authorized to execute an interim agreement, extending said agreement effective July 1, 2005 through June 30, 2007, or until a new agreement is negotiated to replace it.

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06)

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 6/16/06.

Resolution 2006R-335, authorizing settlement of the legal claims of Aynababa Abebe and Kristen Thompson, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-335
By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

a) Aynababa Abebe v. the City of Minneapolis and Sgt. Tim Davison by payment of \$7,000 to Aynababa Abebe and her attorney, Christina Makens; and

b) Kristen Thompson v. the City of Minneapolis, et al., by payment to Kristen Thompson and her attorney, Russ Crowder in the amount of \$185,000, and payment to Guide One Insurance and its attorney, Samuel Rufer in the amount of \$20,000.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 6/16/06.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Cognos Corporation for Business Intelligence application, training, and services.

Products and services of up to \$662,805 plus annual support and maintenance over 5 years may be purchased on an as-needed basis. This contract will not oblige the City to purchase any products or services.

Adopted 6/16/06.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Advanced Public Safety in the amount of \$350,000, for citation applications, training, hardware and services plus annual support and maintenance over 5 years.

Your Committee further recommends that staff be directed to reflect the shared cost in future allocations in the Business Information Services (BIS) rate model.

Your Committee further recommends passage of the accompanying Resolution appropriating \$336,538 in the Information & Technology Services Agency.

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06; Republished 7/1/06)

RESOLUTION 2006R-336

By Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870-Project 880F5591) by \$336,538; and increasing the revenue source (6400-880-8870 - Source 3455) by \$336,538.

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06)

W&M/Budget - Your Committee recommends approval of the July 2006 utility billing insert on behalf of the Public Works Department, Solid Waste Division announcing the “household hazardous waste drop-off sites and schedules”.

Adopted 6/16/06.

W&M/Budget - Your Committee recommends acceptance of Non-profit Convention Events funds in the amount of \$176,000 to provide payment to the Greater Minneapolis Convention & Visitors Association (GMCVA) for expenses incurred for qualifying events.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation to the Convention & Visitors Association agency.

Adopted 6/16/06.

RESOLUTION 2006R-337

By Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Convention & Visitors Association Agency in the Convention Center Related Fund (0760-864-8642) by \$176,000; and increasing the Greater Minneapolis Convention and Visitors Association revenue source (6760-864-8642 - Source 3720) by \$176,000.

Adopted 6/16/06.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #6609 from Collins Electrical Systems, Inc., d.b.a. ColliSys in the amount of \$383,500 to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the lighting control system upgrades at the Minneapolis Convention Center; and

It is further recommended that the proper City officers be authorized and directed to execute a contract for said services all in accordance with City specifications and contingent on approval of the Civil Rights Department.

Adopted 6/16/06.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to amend Contract C-23087 with Parker Rosen Law Firm, increasing the contract amount not to exceed \$100,000.

Adopted 6/16/06.

W&M/Budget - Your Committee, having under consideration a recommendation by the Department of Human Resources to add a new appointed position entitled Director, Business Administration, now recommends the following:

a) That the proposed position meets the criteria in Section 20.1010 of the Minneapolis Code of Ordinances, and that the position may be established in accordance with the findings (as set forth in Petn No. 271282);

b) Approval of the proposed appointed position, allocated to grade 12 with 563 points; and

c) Passage of the accompanying Salary Ordinance establishing the annual salary for said position in accordance with the adopted appointed employee's compensation plan, effective May 26, 2006.

Adopted 6/16/06.

Ordinance 2006-Or-066 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, establishing the salary for the newly appointed position of Director, Business Administration, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-066

By Ostrow

1st & 2nd Readings: 6/16/06

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)

Effective: May 26, 2006

						Step A	Step B	Step C	Step D
						Start	After 1	After 2	After 3
						rate	"A" year	"B" Years	"C"Years
FLSA	OTC	CLASSIFICATION	PTS	G	P				
E	1	Director Business Administration	563	12	A	\$78,007	\$82,112	\$84,576	\$86,218

Adopted 6/16/06.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Director, Budget Information and Coordination, grade 11 with 513 points, effective June 9, 2006.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said reclassified position.

Adopted 6/16/06.

Ordinance 2006-Or-067 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, approving the salary for the reclassified position of Director, Budget Information and Coordination, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-067
By Ostrow
1st & 2nd Readings: 6/16/06

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: June 9, 2006

						Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step D After 3 "C"Years
FLSA	OTC	CLASSIFICATION	PTS	G	P				
E	1	Director, Budget Information and Coordination	513	11	A	\$70,917	\$74,649	\$76,889	\$78,382

Adopted 6/16/06.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the annual salary schedule for the position of Assistant City Coordinator, Convention Center in exception to the adopted appointed employee's compensation plan, effective June 16, 2006.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said position.

Adopted 6/16/06. Yeas, 12; Nays, 1 as follows:

Yeas – Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Johnson.

Nays – Gordon.

Ordinance 2006-Or-068 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, approving the annual salary schedule for the position of Assistant City Coordinator, Convention Center in exception to the adopted appointed employee's compensation plan, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-068
By Ostrow
1st & 2nd Readings: 6/16/06

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: June 16, 2006

					Step A	Step B	Step C	Step D
					Start	After 1	After 2	After 3
					rate	"A" year	"B" Years	"C"Years
FLSA	OTC	CLASSIFICATION	PTS	G	P			
E	1	Assistant City Coordinator, Convention Center	738	1	6			
		Appointed Pay Plan-Predicted Salary						
		Previous Approved						
		Exception (Current						
		Salary rate for position)			\$112,547	\$118,471	\$122,025	\$124,394
		Market Exception Request			\$20,453	\$21,529	\$22,175	\$22,606
		Total Pay with new						
		2006 Market Exception			\$133,000	\$140,000	\$144,200*	\$147,000*

* Governor's salary cap limits pay in 2006 for this position to \$143,958.

Adopted 6/16/06. Yeas, 12; Nays, 1 as follows:

Yeas – Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Johnson.

Nays – Gordon.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) to provide in-house security services at the Minneapolis Convention Center facility for an initial one year period, effective September 1, 2006, with two one-year renewable options, at an estimated annual cost of \$1,510,000, payable from the Convention Center Operations Fund and Agency (0760-MCC). Further, that the contract be subject to compliance with the Living Wage Ordinance.

Adopted 6/16/06.

W&M/Budget - Your Committee, having received from the City Coordinator the 2020 Vision, Five-Year City Goals & Strategic Directions and Working Values, now recommends the adoption of the plan, as set forth in Petn No 271282 on file in the office of the City Clerk.

Adopted 6/16/06.

W&M/Budget - Your Committee, having under consideration the Target Center Arena, now recommends the following:

- a) Approval of the terms of an Amendment to the Target Center Arena Lease, Operating, Management, Use and Assurances Agreement and the Basketball Playing Agreement;
- b) Authorize proper City and Minneapolis Community Development Agency (MCDA) officials to execute said amendment;
- c) Passage of the accompanying Resolution appropriating funds.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06)

RESOLUTION 2006R-338
By Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

- a) Increasing the appropriation in the Community Planning and Economic Development Fund (ERZ0 - GARFS 890-8490) by \$1,200,000 from fund balance for transfer to CPED Fund (CPO0 - Capital Projects); and
- b) Increasing the appropriation in the Community Planning and Economic Development Fund (CPO0 - Capital Projects 890-8933) by \$1,200,000.

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06)

W&M/Budget - Your Committee, having under consideration the Cedar Riverside neighborhood's Neighborhood Revitalization Program (NRP) Phase I First Step Neighborhood Action Plan, now recommends:

- a) Approval of said Plan, and specifically those parts of the Plan that fall under City jurisdiction;
- b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$350,000 in the NRP fund for implementation of said Plan; and
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 6/16/06.

RESOLUTION 2006R-339
By Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$350,000.

Adopted 6/16/06.

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

W&M/Budget & Z&P – Your Committee, having under consideration the West Broadway Alive! Master Plan for West Broadway Avenue, now recommends that the proper City officers be authorized to execute a contract with SEH Short Elliott Hendrickson, Inc., for the completion of the West Broadway Alive! Master Plan, and authorization to use CDBG Funding (0400-890-8962) from the CPED-Planning budget in the amount of \$105,000, and NRP Funding in the amount of \$25,000 (CNRO 890-3550-R48N1535).

Adopted 6/16/06.

Approved by Mayor Rybak 6/19/06.

(Published 6/20/06)

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Paul and Nancy Railsback from the decision of the Board of Adjustment which granted the applications of Gregory Langford for variances to: a) reduce the required north side yard setback to 3 feet; b) reduce the required south side yard setback to 3 feet; c) reduce the minimum lot area from 5,000 to 3,756 square feet; and d) reduce the minimum lot width from 40 to 29 feet, 8 inches, all to allow a new three-dwelling unit multi-family structure at 2624 1st Ave S, now recommends that said appeal be granted and the applications be denied. Your Committee further recommends that the Findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 6/16/06.

Z&P - Your Committee, having under consideration the appeal filed by the Lowry Hill East Neighborhood Association from the decision of the Board of Adjustment which granted the application of Steve Leventhal for a nonconforming use certificate to legalize an existing triplex at 2409 Colfax Ave S, notwithstanding staff recommendation, now recommends that said appeal be denied and the nonconforming use certificate be approved in accordance with the findings of the Board of Adjustment. Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted 6/16/06. Yeas, 12; Nays, 1 as follows:

Yeas - Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Johnson.

Nays - Colvin Roy.

Z&P - Your Committee, having under consideration the appeal filed by Dan Radunz from the decision of the Planning Commission denying applications for a) conditional use permits to locate development within 50 feet of any protected water (wetland) and to allow development within 40 feet of the top of a steep slope; and b) variances to permit development in the Shoreland Overlay District within 50 feet of a protected water and within 40 feet of the top of a steep slope for a new single-family home at 5912 Girard Ave S, now recommends that said appeal be granted, with the amended drawings dated 6/8/06, subject to the following conditions: a) Submittal of final plans for the single-family home that meets the 2 ½ story or 35 foot height limitation as defined by the Zoning Code as well as the design standards in Section 530.280 of the Zoning Code; b) Pervious pavers must be utilized for the driveway and for the turnaround; c) The turnaround adjacent to the south lot line shall be adjusted to provide a 5 foot buffer adjacent to the south lot line; d) Submittal of a grading and erosion control plan as required by Section 551.510 of the Zoning Code; e) Final plans must detail plantings on site, specifically adjacent to the wetland areas located on the south side of the site as required by Section 551.520 of the Zoning Code; f) Installation of a walkway connecting the principal entrance of the structure with the driveway or public sidewalk as applicable; g) The applicant shall designate a person who shall be responsible to ensure compliance with Section 551.510; and h) The principal structure shall be reduced to a width of 22 feet and the driveway, which shall be no more than 10 feet wide, shall be shifted to the north correspondingly; and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Colvin Roy moved to amend condition 'g' of the report to read as follows: "g) The applicant shall designate a person who shall be responsible to ensure compliance with Section 551.510 and that impact to the wetland is minimized during construction by ensuring that no construction equipment drives into the area of wetland, no construction storage occurs in the wetland area, and that there are no failures of the required temporary erosion control measures during construction." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/16/06. Yeas, 10; Nays, 2 as follows:

Yeas - Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden, Johnson.

Nays – Remington, Gordon.

Declining to vote – Lilligren.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of St. Mary's University of Minnesota (BZZ-2951) to rezone the property at 2304 Park Ave from OR2 to the OR3 District to utilize the existing building for a college expansion, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 6/16/06.

Ordinance 2006-Or-069 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2304 Park Ave to the OR3 District, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-069

By Schiff

1st & 2nd Readings: 6/16/06

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 7, 8, 15, 16 and the north half of Lot 9 and 14 and the south half of Lots 6 and 17, Block 002, Town of Minneapolis, Hennepin County, Minnesota (2304 Park Ave - Plate 20) to the OR3 District.

Adopted 6/16/06.

Z&P – Your Committee, having under consideration the draft Mississippi River Critical Area Plan, which documents the City's river corridor resources and sets forth those policies and implementation strategies the City has adopted to protect the natural, cultural, historic, commercial, and recreational values of the river corridor, now recommends concurrence with the recommendation of the City Planning Commission that said Plan be adopted, as set forth in the report of the Department of Community Planning & Economic Development.

Adopted 6/16/06.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, revising Table 548.4, the minimum lot area requirements for residential uses in the C1 District, now concurs in the

recommendation of the Planning Commission that the related findings be adopted, and that said ordinance be given its second reading for amendment and adoption.

Adopted 6/16/06.

Ordinance 2006-Or-070 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts, amending a portion of Table 548-4 to revise the minimum lot area requirements for residential uses in the C1 District, was adopted 6/16/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-070
By Schiff
Intro & 1st Reading: 3/31/06
Ref to: Z&P
2nd Reading: 6/16/06

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That a portion of Table 548-4 of the above-entitled ordinance be amended to read as follows:

Table 548-4 Residential Lot Dimension Requirements in the C1 District

Use	Minimum Lot Area (Square Feet)	Minimum LotWidth (Feet)
RESIDENTIAL USES		
Dwellings		
Cluster development	5,000 or 1,500 <u>900</u> sq. ft. per dwelling unit, whichever is greater	40
Dwelling unit, as part of a mixed use building	1,500 <u>900</u> sq. ft. per dwelling unit	None
Multiple-family dwelling	5,000 or 1,500 <u>900</u> sq. ft. per dwelling unit, whichever is greater	40
Planned residential development	2 acres or 1,500 <u>900</u> sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.
Congregate Living		
Community residential facility serving seven (7) to sixteen (16) persons	5,000 or 1,250 <u>750</u> sq. ft. per rooming unit, whichever is greater	40

Adopted 6/16/06.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Anne C. and Frank B. Semple House and Carriage House at 100-104 Franklin Ave W be designated as a local landmark, and that the findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Anne C. and Frank B. Semple House and Carriage House as a local landmark.
Adopted 6/16/06.

Resolution 2006R-340, designating the Anne C. and Frank B. Semple House and Carriage House at 100-104 West Franklin Avenue as a Landmark, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-340
By Schiff

Designating the Anne C. and Frank B. Semple House and Carriage House at 100-104 West Franklin Avenue as a Landmark

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held public hearings on May 23, 2006 and recommended to the Standing Committee on Zoning and Planning that the Anne C. and Frank B. Semple House, located at 100-104 West Franklin Avenue, meets designation criterion 4 as an excellent example of the Second Renaissance Revival Style and exemplifies the business success of one of Minnesota's most prosperous hardware merchants;

Whereas, prior to such recommendation and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did hold a nomination public meeting on May 23, 2006; and further did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on May 22, 2006; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in the letter of March 7, 2006; and

Whereas, on June 8, 2006 the Standing Committee on Zoning and Planning recommended designation as a landmark;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Anne C. and Frank B. Semple House and Carriage House at 100-104 W Franklin Ave, is hereby designated as a landmark.

Adopted 6/16/06.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of July, 2006, be approved and ordered paid subject to audit by the Finance Officer. Seconded.
Adopted 6/16/06.

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, which was given its first reading and referred to the Zoning & Planning Committee (to authorize the mounting of communication antennas on light poles in the downtown area bounded by the Mississippi River, I-35W, I-94, and I-394/3rd Ave N (extended to river)).

Gordon introduced the subject matter of an ordinance amending Title 12, Chapter 250 of the Minneapolis Code of Ordinances relating to *Housing: Condominium Conversions*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (adding notice and City approval requirements, as well as improved protections for buyers and provisions to address the loss of affordable rental housing due to condominium conversions).

Samuels introduced the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code* and Appendix J relating to *License Fees Schedule*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending rental license fees; changing the date to apply administrative fees; and changing the expiration date of all licenses and provisional licenses).

Samuels introduced the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 64.110 to define terms, requirements, fees and fines for dangerous and potentially dangerous animals, and to transfer authority from Commissioner of Health to Minneapolis Animal Care & Control; Section 64.120 to set fines and fees regarding disposition of animals, and to transfer authority from Commissioner of Health to Minneapolis Animal Care & Control; and Section 64.130 to transfer authority for concealing of dangerous animals from Commissioner of Health to Minneapolis Animal Care & Control.

RESOLUTIONS

Resolution 2006R-341, recognizing the nearly 12 years of service by Keith Sjoquist as Chairperson of the South East Economic Development (SEED) Committee, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-341

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy, and Hodges.

Recognizing the nearly 12 years of service by Keith Sjoquist as Chairperson of the South East Economic Development (SEED) Committee

Whereas, in 1994 Keith Sjoquist willingly accepted the role of Chairperson of the newly formed South East Economic Development (SEED) Committee which is composed of representatives of neighborhoods and the business community impacted by anticipated redevelopment of the 700 acre area north of University Avenue and east of the campus of the University of Minnesota; and

Whereas, prior to formation of the SEED Committee Keith was an active member of the citizen's group participating in the "40 acre study" of this area that came to be known as the South East Minneapolis Industrial (SEMI) area; and

Whereas, Keith served as chair of the SEED Committee for nearly 12 years, presiding over more than 100 SEED meetings; and

Whereas, Keith worked to ensure an open atmosphere welcoming the ideas of all SEED Committee members; and

Whereas, during his service as chair of the SEED Committee Keith led the Committee with evenhanded guidance when addressing controversial issues and did it with a refreshing sense of humor; and

Whereas, Keith's guidance and the diligence of all Committee members led to preparation of a Master Plan for the SEMI/URP area and to two subsequent revisions of that Plan; and

Whereas, Keith provided guidance needed to reach consensus on redevelopment proposals that resulted in construction of nearly 1,000,000 square feet of new buildings and creation of at least 1,500 new jobs; and

Whereas, Keith was one of the founding members of the Southeast Business Association, later serving as the association's representative to the Empowerment Zone Governance Board;

Now, Therefore, Be It Resolved By The City Council of The City of Minneapolis:

That the City of Minneapolis takes this opportunity to recognize and thank Keith for these and other contributions to the City and to wish him and his wife, Nancy, happy trails and many many years enjoying their children and grandchildren, cross country skiing, trips to the Boundary Waters Canoe Area, international travel and their new Airstream travel trailer.

Adopted 6/16/06.

Resolution 2006R-342, recommending Light Rail Transit for the Central Corridor, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-342

By Gordon

Recommending Light Rail Transit for the Central Corridor.

Whereas, the City of Minneapolis has participated in the Central Corridor Coordinating Committee, the committee charged with reviewing and making recommendation on the transit study for the Central Corridor, since 2000; and

Whereas, the Minneapolis Comprehensive Plan calls for the City to “continue to aggressively pursue transit improvements in corridors which serve major transit origins and destinations, with the eventual goal of a region wide rail system, including Light Rail Transit (LRT) and commuter rail”; and

Whereas, the City’s 2006 Legislative Agenda identified funding for development of the Central Corridor LRT as a priority transportation issue; and

Whereas, the environmental impacts of the Bus Rapid Transit and Light Rail Transit options were identified in the Draft Environmental Impact Statement (DEIS); and

Whereas, the City of Minneapolis’ comments on the DEIS strongly supported the Light Rail Transit option;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis recommends to the Metropolitan Council that the Light Rail Transit option be selected as the Locally Preferred Alternative for the corridor.

Be It Further Resolved that the City of Minneapolis recommends that the Metropolitan Council develop this project with the continued input and involvement of all concerned stakeholders including area residents, neighborhood groups, small businesses and other community, government and institutional organizations.

Adopted 6/16/06.

Lilligren assumed the Chair.

Resolution 2006R-343, approving the Ballpark Implementation Process, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-343

By Johnson and Goodman

Approving the Ballpark Implementation Process.

Whereas, the City of Minneapolis, home of the Minnesota Twins, Minnesota Vikings, Minnesota Lynx and Minnesota Timberwolves, has an interest in ongoing discussions and decisions about professional sports facilities and has been the home of the Minnesota Twins for over 20 years; and

Whereas, on December 29, 2003, the City Council approved a resolution adopting a policy on a new ballpark that, among other matters, identified the Minneapolis Warehouse District Ballpark site as the best possible location for a new ballpark because of its proximity to existing public infrastructure (including the TAD and other public Ramps, Hiawatha LRT, and Northstar Commuter Rail), its ability to contribute to and support transit and transportation corridors and ridership, and its proximity to the center of the metropolitan fan base; and

Whereas, on June 15, 2005, the City Council adopted a resolution approving implementation principles for consideration during legislative deliberations for a new ballpark that, among other provisions, recognizes the role of the City's land use review and approvals, life safety-public health permitting, city charter, fair market value for City-owned land taken, and local taxes of general applicability ; and

Whereas, both resolutions directed staff to work closely and cooperatively with Hennepin County, other public agencies and other ballpark stakeholders on all matters related to a new ballpark as it is being planned, designed and constructed; and

Whereas, the 2006 Minnesota legislature has enacted, and the Governor signed on May 26, 2006, H.F 2480 (Laws 2006, Ch. 257) (the "Ballpark Authorizing Legislation") which authorized Hennepin County to establish a county-wide sales tax to help finance the new ballpark in the preferred Minneapolis location allowing the ballpark to move forward and granted Hennepin County certain authority in planning a new ballpark; and

Whereas, the Ballpark Authorizing Legislation created a Ballpark Authority to which the City governing body must appoint one representative who may not have served as an elected official of the City of Minneapolis or Hennepin County for a period of two years prior to appointment to the Authority, and also directed that the City of Minneapolis and Hennepin County establish a Ballpark Implementation Committee, which is to have equal representation from the City of Minneapolis and Hennepin County, that will serve an alternative to the municipal land use and development review process and make recommendations for final action to the City Council; and

Whereas, the Ballpark Authorizing Legislation states that the appointments to the Ballpark Authority and the Ballpark Implementation Committee shall be made within thirty (30) days of enactment and it is not appropriate to use the open appointments process contained in M.C.O §14.80;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

- Appoints Joan Campbell to the Ballpark Authority;
- Appoints Council President Barbara Johnson, and Council Member Lisa Goodman to the Ballpark Implementation Committee; and that the Minneapolis City Council President shall make such further appointments to the Ballpark Implementation Committee as are necessary to achieve equal representation with Hennepin County as provided in the Ballpark Authorizing Legislation
- Directs Public Works, Regulatory Services, and CPED to designate representative(s) to the City Ballpark Implementation Team to serve as the primary staff on the City's ballpark project team for each of the following areas: development review, including the EIS; community benefits; final plan review and permitting; and related area developments. The City team, to be lead by the CPED Director, will coordinate with other City departments and interested parties and will support the work of the Ballpark Implementation Committee which is directed to act expeditiously in recognition of the ballpark implementation process and timelines provided for in the authorization legislation.

Be It Further Resolved that the City of Minneapolis will cooperate with Hennepin County on an expedited Environmental Impact Statement process.

Adopted 6/16/06. Yeas, 12; Nays, 1 as follows:

Yeas – Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Johnson.

Nays – Gordon.

President Johnson resumed the Chair.

Resolution 2006R-344, requesting that the United States Environmental Protection Agency test Powderhorn Park for arsenic as part of their ongoing testing efforts, was adopted 6/16/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-344
By Schiff and Glidden

Requesting that the United States Environmental Protection Agency test Powderhorn Park for arsenic as part of their ongoing testing efforts.

Whereas, arsenic is a threat to public health, with health effects including increases in the risk of lung, skin, bladder, liver, kidney and prostate cancer; nausea and vomiting; decreased production of red and white blood cells; abnormal heart rhythm; and damage to blood vessels; and

Whereas, the EPA is planning on conducting sampling for high levels of arsenic in the yards of more than 3,000 properties this summer immediately northeast of Powderhorn Park this summer; and

Whereas, the off-site residential properties are referred to as the South Minneapolis Neighborhood Soil Contamination site, located within and bordering the area known as the Phillips Neighborhood, just north of Powderhorn Park; and

Whereas, Powderhorn is the largest park in the neighborhood park section and contains over 65 acres of land and 12 acres of water and several athletic fields located at the park; and

Whereas, Powderhorn Park is host to several important events each year including the annual 4th of July Celebration, May Day Festival and Powderhorn Arts Festival, which collectively attract more than 120,000 people to the park; and

Whereas, Powderhorn Park serves more than 300,000 people per year and is a vital part of the surrounding neighborhood and community, serving as a community gathering place and providing park services to 50,000 children (more than 7,000 of whom live within ½ mile of the park);

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That the City Council of the City of Minneapolis requests that the United States Environmental Protection Agency test Powderhorn Park for arsenic as part of their ongoing testing efforts.

Adopted 6/16/06.

NEW BUSINESS

Samuels introduced an ordinance amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing to be held *June 21, 2006* (amending Section 364.80 to permit the sale of retail off-sale liquor until 10:00 p.m. on Monday through Saturday).

Johnson moved to accept transmittal of Minneapolis City Charter Commission action rejecting proposed ordinance amending Chapter 2 of the Minneapolis City Charter relating to Officers—Elections, which was referred to the Intergovernmental Relations Committee and thereafter to the Elections Committee (eliminating primary elections for City offices, amending filing dates, and allowing for Single Transferable Vote, sometimes known as Ranked Choice Voting or Instant Runoff Voting). Seconded.

Adopted upon a voice vote 6/16/06.

Hofstede introduced the subject matter of an ordinance amending Appendix J relating to *License Fees Schedule*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (relating to Lodging Houses).

Lilligren moved to adjourn to Room 315 City Hall to consider the following matters: Nicholas Haberle v. City of Minneapolis; and Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis, L.P. v. City of Minneapolis. Seconded.

Adopted upon a voice vote 6/16/06.

Room 315 City Hall

Minneapolis, Minnesota

June 16, 2006 – 11:15 a.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

Present - Council Members Remington, Benson, Goodman, Hodges, Samuels, Gordon, Ostrow, Lilligren, Glidden, President Johnson.

Absent – Hofstede, Schiff, Colvin Roy.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Nicholas Haberle v. City of Minneapolis; and Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis, L.P. v. City of Minneapolis lawsuits.

At 11:16 a.m., Remington moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Hofstede, Schiff, Colvin Roy.

Present - Council Members Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede (In at 11:18), Ostrow, Schiff (In at 11:20; Out at 11:35; In at 11:37), Lilligren (Out at 11:24; In at 11:30), Colvin Roy (In at 11:20), Glidden, President Johnson.

Also present – Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; Assistant City Attorney Lisa Needham; Assistant City Attorney James Moore; Peter Wagenius, Mayor's Office; Gail Plewacki, Communications; Jackie Hanson, City Clerk's Office; and Merry Keefe (Out at 11:35), City Clerk.

Peter Ginder summarized the Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis, L.P. v. City of Minneapolis lawsuit from 11:18 a.m. to 11:37 a.m.

James Moore summarized the Nicholas Haberle v. City of Minneapolis lawsuit from 11:37 a.m. to 11:49 a.m.

At 11:49 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Remington moved that the City Attorney be authorized to settle the claim of Nicholas Haberle in the amount of \$20,000, payable from Fund/Org 690-150-1500-4000, and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 6/16/06. Yeas, 12; Nays, 1 as follows:

Yeas – Remington, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Johnson.

Nays – Goodman.

JUNE 16, 2006

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.
Adopted by unanimous consent.

Merry Keefe,
City Clerk.

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Official Posting : 6/23/2006
Corrections: 7/12/2006; 9/20/2006